



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

Adams, John Quincy, 1747-1848

THE JUBILEE OF THE CONSTITUTION



THE
JUBILEE OF THE CONSTITUTION.

A DISCOURSE

DELIVERED AT THE REQUEST OF

THE NEW YORK HISTORICAL SOCIETY,

IN THE CITY OF NEW YORK,

ON TUESDAY, THE 30th OF APRIL, 1839;

BEING THE FIFTIETH ANNIVERSARY

OF THE

INAUGURATION OF GEORGE WASHINGTON

AS

PRESIDENT OF THE UNITED STATES,

ON THURSDAY, THE 30th OF APRIL, 1789.

*Serit arbores, quae alteri saeculo prosint — * * * quid spectans, nisi etiam postera saecula
ad se pertinere? Ergo arbores seret diligens agricola, quarum adspiciet baccam ipse nunquam:
vir magnus leges, instituta, reipublicam non seret?*

CICERO. TUSC. QUAE. 1.

BY JOHN QUINCY ADAMS.

NEW YORK:
PUBLISHED BY SAMUEL COLMAN,
VIII ASTOR HOUSE.

M DCCC XXXIX.

STAMPTON 1839

Entered according to Act of Congress, in the year 1839,
By JOSEPH BLUNT,
For the New York Historical Society,
In the District Court of the Southern District of New York.

BP
AAE
PJ_i

THE
JUBILEE OF THE CONSTITUTION.
A DISCOURSE.

WHEN in the epic fable of the first of Roman Poets, the Goddess mother of Æneas delivers to him the celestial armour, with which he is to triumph over his enemy, and to lay the foundations of Imperial Rome, he is represented as gazing with intense but confused delight on the crested helm that vomits golden fires —

“His hands the fatal sword and corslet hold,
One keen with temper’d steel—one stiff with gold.
He shakes the pointed spear, and longs to try
The plated cuishes on his manly thigh;
But most admires the *shield’s* mysterious mould,
And Roman triumphs rising on the gold”—

For on that shield the heavenly smith had wrought the anticipated history of Roman glory, from the days of Æneas down to the reign of Augustus Cæsar, cotemporaneous with the Poet himself.

FELLOW-CITIZENS AND BRETHREN, ASSOCIATES OF
THE NEW YORK HISTORICAL SOCIETY :—

Would it be an unlicensed trespass of the imagination to conceive, that on the night preceding the day of which you now commemorate the fiftieth anniversary—on the night preceding that thirtieth of April, one thousand seven hundred and eighty-nine, when from the balcony of your city-hall, the chancellor of the state of New York, administered to George Washington the solemn oath, faithfully to execute the office of President of the United States, and to the best of his ability, to preserve, protect and defend the Constitution of the United States—that in the visions of the night, the guardian angel of the Father of our country had appeared before him, in the venerated form of his mother, and, to cheer and encourage him in the performance of the momentous and solemn duties that he was about to assume, had delivered to him a suit of celestial armour—a helmet, consisting of the principles of piety, of justice, of honour, of benevolence, with which from his earliest infancy he had hitherto walked through life, in the presence of all his brethren—a spear, studded with the self-evident truths of the Declaration of Independence—a sword, the same with which he had led the armies of his country through the war of freedom, to the summit of the triumphal arch of independence—a corslet and cuishes of long experience and habitual intercourse in peace and war with the world of mankind, his cotemporaries of the human race, in all their stages of civilization—and last of all, the Constitution of the United States,

a SHIELD embossed by heavenly hands, with the future history of his country.

Yes, gentlemen! on that shield, the CONSTITUTION OF THE UNITED STATES was sculptured, (by forms unseen, and in characters then invisible to mortal eye,) the predestined and prophetic history of the one confederated people of the North American Union.

They had been the settlers of thirteen separate and distinct English colonies, along the margin of the shore of the North American continent: contiguously situated, but chartered by adventurers of characters variously diversified, including sectarians, religious and political, of all the classes which for the two preceding centuries had agitated and divided the people of the British islands—and with them were intermingled the descendants of Hollanders, Swedes, Germans, and French fugitives from the persecution of the revoker of the Edict of Nantes.

In the bosoms of this people, thus heterogeneously composed, there was burning, kindled at different furnaces, but all furnaces of affliction, one clear, steady flame of LIBERTY. Bold and daring enterprise, stubborn endurance of privation, unflinching intrepidity in facing danger, and inflexible adherence to conscientious principle, had steeled to energetic and unyielding hardihood the characters of the primitive settlers of all these Colonies. Since that time two or three generations of men had passed away—but they had increased and multiplied with unexampled rapid-

ity; and the land itself had been the recent theatre of a ferocious and bloody seven years' war between the two most powerful and most civilized nations of Europe, contending for the possession of this continent.

Of that strife the victorious combatant had been Britain. She had conquered the provinces of France. She had expelled her rival totally from the continent over which, bounding herself by the Mississippi, she was thenceforth to hold divided empire only with Spain. She had acquired undisputed control over the Indian tribes, still tenantry the forests unexplored by the European man. She had established an uncontested monopoly of the commerce of all her colonies. But forgetting all the warnings of preceding ages—forgetting the lessons written in the blood of her own children, through centuries of departed time, she undertook to tax the people of the colonies *without their consent*.

Resistance, instantaneous, unconcerted, sympathetic, inflexible resistance like an electric shock startled and roused the people of all the English colonies on this continent.

This was the first signal of the North American Union. The struggle was for chartered rights—for English liberties—for the cause of Algernon Sidney and John Hambden—for trial by jury—the Habeas Corpus and Magna Charta.

But the English lawyers had decided that Parliament was omnipotent—and Parliament in their omnipotence, instead of trial by jury and the Habeas Corpus, enact-

ed admiralty courts in England to try Americans for offences charged against them as committed in America—instead of the privileges of Magna Charta, nullified the charter itself of Massachusetts Bay; shut up the port of Boston; sent armies and navies to keep the peace, and teach the colonies that John Hambden was a rebel, and Algernon Sidney a traitor.

English liberties had failed them. From the omnipotence of Parliament the colonists appealed to the rights of man and the omnipotence of the God of battles. *Union! Union!* was the instinctive and simultaneous cry throughout the land. Their Congress, assembled at Philadelphia, once—twice had petitioned the king; had remonstrated to Parliament; had addressed the people of Britain, for the rights of Englishmen—in vain. Fleets and armies, the blood of Lexington, and the fires of Charlestown and Falmouth, had been the answer to petition, remonstrance and address.

Independence was declared. The colonies were transformed into States. Their inhabitants were proclaimed to be *one people*, renouncing all allegiance to the British crown; all co-patriotism with the British nation; all claims to chartered rights as Englishmen. Thenceforth their charter was the Declaration of Independence. Their rights, the natural rights of mankind. Their government, such as should be instituted by themselves, *under the solemn mutual pledges of perpetual union*, founded on the self-evident truths proclaimed in the Declaration.

The Declaration of Independence was issued, in the

excruciating agonies of a civil war, and by that war independence was to be maintained. Six long years it raged with unabated fury, and the Union was yet no more than a mutual pledge of faith, and a mutual participation of common sufferings and common dangers.

The omnipotence of the British Parliament was vanquished. The independence of the United States of America, was not granted, but recognised. The nation had "assumed among the powers of the earth, the separate and equal station, to which the laws of nature, and of nature's God, entitled it"—but the one, united people, had yet NO GOVERNMENT.

In the enthusiasm of their first spontaneous, unstipulated, unpremeditated union, they had flattered themselves that no general government would be required. As separate states they were all agreed that they should constitute and govern themselves. The revolution under which they were gasping for life, the war which was carrying desolation into all their dwellings, and mourning into every family, had been kindled by the abuse of power—the power of government. An invincible repugnance to the delegation of power, had thus been generated, by the very course of events which had rendered it necessary; and the more indispensable it became, the more awakened was the jealousy and the more intense was the distrust by which it was to be circumscribed.

They relaxed their union into a league of friendship between sovereign and independent states. They constituted a Congress, with powers co-extensive with the

nation, but so hedged and hemmed in with restrictions, that the limitation seemed to be the general rule, and the grant the occasional exception. The articles of confederation, subjected to philosophical analysis, seem to be little more than an enumeration of the functions of a national government which the congress constituted by the instrument was *not* authorized to perform. There was avowedly no executive power.

The nation fell into an atrophy. The Union languished to the point of death. A torpid numbness seized upon all its faculties. A chilling cold indifference crept from its extremities to the centre. The system was about to dissolve in its own imbecility—impotence in negotiation abroad—domestic insurrection at home, were on the point of bearing to a dishonourable grave the proclamation of a government founded on the rights of man, when a convention of delegates from eleven of the thirteen states, with George Washington at their head, sent forth to the people, an act to be made their own, speaking in their name and in the first person, thus: "We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty, to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

This act was the complement to the Declaration of Independence; founded upon the same principles, carrying them out into practical execution, and forming

with it, one entire system of national government. The Declaration was a manifesto to the world of mankind, to justify the one confederated people, for the violent and voluntary severance of the ties of their allegiance, for the renunciation of their country, and for assuming a station themselves, among the potentates of the world—a self-constituted sovereign—a self-constituted country.

In the history of the human race this had never been done before. Monarchs had been dethroned for tyranny—kingdoms converted into republics, and revolted provinces had assumed the attributes of sovereign power. In the history of England itself, within one century and a half before the day of the Declaration of Independence, one lawful king had been brought to the block, and another expelled, with all his posterity, from his own kingdom, and a collateral dynasty had ascended his throne. But the former of these revolutions had by the deliberate and final sentence of the nation itself, been pronounced a *rebellion*, and the rightful heir of the executed king had been restored to the crown. In the latter, at the first onset, the royal recreant had fled—he was held to have *abdicated* the crown, and it was placed upon the heads of his daughter and of her husband, the prime leader of the conspiracy against him. In these events there had been much controversy upon the platform of *English* liberties—upon the customs of the ancient Britons; the laws of Alfred, the Witenagamote of the Anglo-Saxons, and the Great Charter of Runnymede with all its numberless confirmations. But the actors of those times had never ascended to the first

foundation of civil society among men, nor had any revolutionary system of government been rested upon them.

The motive for the *Declaration of Independence* was on its face avowed to be "a decent respect for the opinions of mankind." Its *purpose* to declare the *causes* which impelled the people of the English colonies on the continent of North America, to separate themselves from the political community of the British nation. They declare *only* the *causes* of their separation, but they announce at the same time their assumption of the separate and equal station to which the laws of nature and of nature's God entitle them, among the powers of the earth.

Thus their first movement is to recognise and appeal to the laws of nature and to nature's *God*, for their *right* to assume the attributes of sovereign power as an independent nation.

The causes of their *necessary* separation, for they begin and end by declaring it necessary, alleged in the Declaration, are all founded on the same laws of nature and of nature's God — and hence as preliminary to the enumeration of the causes of separation, they set forth as self-evident truths, the rights of individual man, by the laws of nature and of nature's God, to life, to liberty, to the pursuit of happiness. That all men are created equal. That to *secure* the rights of life, liberty and the pursuits of happiness, governments are instituted among men, deriving their *just* powers from the *consent* of the governed. All this, is by the laws of nature and of na-

ture's God, and of course presupposes the existence of a God, the moral ruler of the universe, and a rule of right and wrong, of just and unjust, binding upon man, preceding all institutions of human society and of government. It avers, also, that governments are instituted to *secure* these rights of nature and of nature's God, and that *whenever* any form of government becomes destructive of those ends, it is the right of THE PEOPLE to alter, or to abolish it, and to institute a new government --to throw off a government degenerating into despotism, and to provide new guards for their future security. They proceed then to say that such was then the situation of the Colonies, and such the necessity which constrained them to alter their former systems of government.

Then follows the enumeration of the acts of tyranny by which the king, parliament, and people of Great Britain, had perverted the powers to the destruction of the ends of government, over the Colonies, and the consequent necessity constraining the Colonies to the separation.

In conclusion, the Representatives of the United States of America, in general Congress assembled, appealing to the Supreme judge of the world for the recitation of their intentions, do, *in the name and by the authority of the good people of these Colonies*, solemnly publish and declare that these *United Colonies*, are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown; and that all political connexion between them and the

state of Great Britain, is, and ought to be totally dissolved ; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of *right* do. The appeal to the Supreme Judge of the world, and the rule of right and wrong as paramount events to the power of independent States, are here again repeated in the very act of constituting a new sovereign community.

It is not immaterial to remark, that the Signers of the Declaration, though qualifying themselves as the Representatives of the United States of America, in general Congress assembled, yet issue the Declaration, *in the name and by the authority of the good people of the Colonies* — and that they declare, *not* each of the separate Colonies, but *the United Colonies*, free and independent States. The whole people declared the Colonies *in their united condition*, of RIGHT, free and independent States.

The dissolution of allegiance to the British crown, the severance of the Colonies from the British empire, and their actual existence as Independent States, thus declared of *right*, were definitively established *in fact*, by war and peace. The independence of each separate State had never been declared of *right*. It never existed *in fact*. Upon the principles of the Declaration of Independence, the dissolution of the ties of allegiance, the assumption of sovereign power, and the institution of civil government, are all acts of transcendent author-

ity, which the people *alone* are competent to perform — and accordingly, it is in the name and by the authority of the people, that two of these acts — the dissolution of allegiance, with the severance from the British empire, and the declaration of the United Colonies, as free and independent States, were performed by that instrument.

But there still remained the last and crowning act, which *the People* of the Union alone were competent to perform — the institution of civil government, for that compound nation, the United States of America.

At this day it cannot but strike us as extraordinary, that it does not appear to have occurred to any one member of that assembly, which had laid down in terms so clear, so explicit, so unequivocal, the foundation of all just government, in the imprescriptible rights of man, and the transcendant sovereignty of the people, and who in those principles, had set forth their only personal vindication from the charges of rebellion against their king, and of treason to their country, that their last crowning act was still to be performed upon the same principles. That is, the institution, by the *people* of the United States, of a civil government, to guard and protect and defend them all. On the contrary, that same assembly which issued the Declaration of Independence, instead of continuing to act in the name, and by the authority of the good people of the United States, had immediately after the appointment of the committee to prepare the Declaration, appointed another committee, of one member from each Colony, to pre-

pare and digest the form of *confederation*, to be entered into between the Colonies.

That committee reported on the 12th of July, eight days after the Declaration of Independence had been issued, a draught of articles of confederation between the *Colonies*. This draught was prepared by John Dickinson, then a delegate from Pennsylvania, who voted against the Declaration of Independence, and never signed it—having been superseded by a new election of delegates from that State, eight days after his draught was reported.

There was thus no congeniality of principle between the Declaration of Independence and the Articles of Confederation. The foundation of the former were a superintending Providence—the rights of man, and the constituent revolutionary power of the people. That of the latter was the sovereignty of organized power, and the independence of the separate or dis-united States. The fabric of the Declaration and that of the Confederation, were each consistent with its own foundation, but they could not form one consistent symmetrical edifice. They were the productions of different minds and of adverse passions—one, ascending for the foundation of human government to the laws of nature and of God, written upon the heart of man—the other, resting upon the basis of human institutions, and prescriptive law and colonial charters. The corner stone of the one was *right*—that of the other was *power*.

The work of the founders of our Independence was thus but half done. Absorbed in that more than Her-

culean task of maintaining that independence and its principles, by one of the most cruel wars that ever glutted the furies with human wo, they marched undaunted and steadfast through that fiery ordeal, and consistent in their principles to the end, concluded, as an acknowledged sovereignty of the United States, proclaimed by their people in 1776, a peace with that same monarch, whose sovereignty over them they had abjured in obedience to the laws of nature and of nature's God.

But for these United States, they had formed no *Constitution*. Instead of resorting to the source of all constituted power, they had wasted their time, their talents, and their persevering, untiring toils, in erecting and roofing and buttressing a frail and temporary shed to shelter the nation from the storm, or rather a mere baseless scaffolding on which to stand, when they should raise the marble palace of the people, to stand the test of time.

Five years were consumed by Congress and the State Legislatures, in debating and altercating and adjusting these Articles of Confederation. The first of which was:—

“Each State *retains* its sovereignty, freedom and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled.”

Observe the departure from the language, and the consequent contrast of principles, with those of the Declaration of Independence.

Each state **RETAINS** its sovereignty, &c. — where

did each State get the sovereignty which it *retains*? In the Declaration of Independence, the delegates of the Colonies, in Congress assembled, *in the name and by the authority of the good people of the Colonies*, declare, not each Colony, but the *United Colonies*, in fact, and of right, not *sovereign*, but free and independent States. And why did they make this declaration in the name and by the authority of the one people of all the Colonies? Because by the principles before laid down in the Declaration, the people, and the people alone, as the rightful source of all legitimate government, were competent to dissolve the bands of subjection of all the Colonies to the nation of Great Britain, and to constitute them free and independent States. Now the people of the Colonies, speaking by their delegates in Congress, had not declared *each* Colony a sovereign, free and independent State — nor had the people of each Colony so declared the Colony itself, nor could they so declare it, because each was already bound in union with all the rest; a union formed *de facto*, by the spontaneous revolutionary movement of the whole people, and organized by the meeting of the first Congress, in 1774, a year and ten months before the Declaration of Independence.

Where, then, did *each* State get the sovereignty, freedom and independence, which the articles of confederation declare it *retains*? — not from the whole people of the whole union — not from the Declaration of Independence — not from the people of the state itself. It was assumed by agreement between the legislatures

of the several States, and their delegates in Congress, without authority from or consultation of the people at all.

In the Declaration of Independence, the enacting and constituent party dispensing and delegating sovereign power, is the whole *people* of the United Colonies. The recipient party, invested with power, is the United Colonies, declared United States.

In the articles of confederation, this order of agency is inverted. Each state is the constituent and enacting party, and the United States in Congress assembled, the recipient of delegated power—and that power, delegated with such a penurious and carking hand, that it had more the aspect of a revocation of the Declaration of Independence than an instrument to carry it into effect.

It well deserves the judicious inquiry of an American statesman, at this time, how this involuntary and unconscious *usurpation* upon the rights of the people of the United States, originated and was pursued to its consummation.

In July, 1775, soon after the meeting of the second revolutionary Congress, and a year before the Declaration of Independence, Dr. Franklin had submitted to their consideration, a sketch of articles of confederation between the colonies, to continue until their reconciliation with Great Britain, and in failure of that event, to be perpetual.

The third article of that project provided "that each colony shall enjoy and retain as much as it may think fit, of its own present laws, customs, rights, privileges, and

peculiar jurisdictions *within its own limits*; and may amend its own constitution, as shall seem best to its own assembly or convention." Here was and could be no assertion of sovereignty.

This plan appears to have been never discussed in Congress. But when, on the 7th of June, 1776, the resolution of independence was offered and postponed, another resolution was submitted and carried for the appointment of a committee of one member from each colony, to prepare and digest a form of a confederation.

The third article of the draught reported by that committee, was in these words:—

"Each colony shall retain as much of its *present* laws, rights, and customs, as it may think fit, and reserve to itself the sole and exclusive regulation and government of its *internal police*, in all matters *that shall not interfere with the articles of this confederation.*"

The first article had declared the name of the confederacy to be the United States of America.

By the second, the colonies "unite themselves, so as never to be divided by any act whatever," and entered into a firm league of friendship with each other.

From the 12th of July to the 20th of August, 1776, the report of the committee was debated almost daily, in a committee of the whole house, and they reported to Congress a new draught, the first article of which retained the name of the confederacy.

The second left out the warm-hearted *Union*, so as never to be divided by any act whatever, and only *severally* entered into a firm league of friendship for

special purposes. By the third, "Each state reserves to itself the sole and exclusive regulations and government of its *internal police in all matters that shall not interfere with the Articles of this Confederation.*"

The gradual relaxation of the fervid spirit of union which had quickened every sentence of the Declaration of Independence, is apparent in these changes of phraseology and omission.

The articles reported by the committee of the whole were laid aside on the 20th of August, 1776, and were not resumed till the 7th of April, 1777.

They were then taken up, and pertinaciously and acrimoniously debated two or three times a week till the 15th of November, 1777, when they were adopted by Congress in a new and revised draught.

And here the reversal of the fundamental principles of the Declaration of Independence was complete, and the symptoms of disunion proportionally aggravated. The first article instead of the *name* declared the *style* of the confederacy to be the United States of America. Even in this change of a single word, there was the spirit of disunion; a *name* being appropriately applied to the unity, and a *style* to the plurality of the aggregate body.

An alteration still more significant was the inversion in the order of the second and third articles. In all the former draughts, in the sketch presented by Dr. Franklin in 1775, in the draught reported by the select committee in July, 1776, and in that reported after full debate by the committee of the whole house to Con-

gress, on the 20th of August, 1776, the union had been constituted in the second article, and the reservation of separate rights *not interfering with the articles of the confederation*, had been made in the third.

But now the reservation of separate rights came first in order, appeared as the second article, and instead of being confined to internal police, and all matters that shall *not interfere* with the articles of this confederation, was transformed into a direct assertion of *sovereignty*, not in the people of each state, but in each state. And thus it was that each state had acquired that sovereignty, which the third article, now made the second, declared it *retained*. It was a power usurped upon the people, by the joint agency of the state legislatures and of their delegates in Congress, without any authority from the people whatever. And with this assertion of sovereignty, each state retained also every power, jurisdiction and right, not by the confederation *expressly delegated to the United States in Congress assembled*. And then came limping on in the third article, degraded from its place as the second, the firm league of friendship of these several states with each other, for their common defence, the security of their liberties, and their mutual and general welfare.

In the debates upon these articles of confederation, between the 7th of October, and the 17th of November, the conflict of interests and of principles between the people of the whole Union, and each of the states, was strongly marked. The first question was upon the mode of voting in Congress.

It was moved that in determining questions, each state should have one vote for every fifty thousand white inhabitants.

That each state should have a right to send one delegate to Congress for every thirty thousand of its inhabitants—each delegate to have one vote.

That the quantum of representation of each state should be computed by numbers proportioned to its contribution of money or tax laid and paid into the public treasury.

These propositions, all looking to a representation proportional to numbers or to taxation, that is, to persons or property, were all rejected, and it was resolved that in determining questions *each state* should have one vote.

Then came the question of the common charges and expenses. The first proposition was that they should be proportioned to the number of inhabitants of each state. Then to the value of all property, excepting household goods and wearing apparel, both of which were rejected, and the proposition was fixed according to the *quantity of land granted and surveyed*, with the estimated improvements thereon.

But the great and insurmountable difficulty, left altogether unadjusted by these articles of confederation, was to ascertain the boundaries of each of these sovereign states. It was proposed that these boundaries should be ascertained by them; for which purpose the state Legislatures should lay before Congress a description of the territorial lands of each of their respect-

ive states, and a summary of the grants, treaties, and proofs, upon which they were claimed or established.

It was moved that the United States, in Congress assembled, should have the sole and exclusive right and power to ascertain and fix the western boundary of such states as claimed to the South sea; and to dispose of all land beyond the boundary so ascertained, for the benefit of the United States.

And that the United States in Congress assembled, should have the sole and exclusive right and power to ascertain and fix the western boundary of such states, as claimed to the Mississippi or South sea, and to lay out the land beyond the boundary so ascertained, into separate and independent states, from time to time, as the numbers and circumstances of the people might require.

All these propositions were rejected, and the articles of confederation were sent forth to the sovereign, free and independent states for ratification, without defining or ascertaining the limits of any one of them; while some of them claimed to the South sea, and others were cramped up within a surface of less than fifteen hundred square miles.

It is further remarkable that in the progress of these debates, the institution of an executive council, which in all the previous draughts had been proposed, was struck out, and instead of it was substituted a helpless and imbecile committee of the states, never but once attempted to be carried into execution, and then speedily dissolved in its own weakness.

Such was the system, elaborated with great, persevering, and anxious deliberation ; animated with the most ardent patriotism ; put together with eminent ability and untiring industry, but vitiated by a defect in the general principle—in the departure from the self-evident truths of the Declaration of Independence ; the natural rights of man, and the exclusive, sovereign, constituent right of the people.

The result corresponded with this elementary error. The plan of confederacy was sent forth to the state Legislatures with an eloquent and pathetic letter, pointing out the difficulties and delays which had attended its formation, urging them candidly to review the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many *sovereign and independent communities*. Assuring them that the plan proposed was the best which could be adapted to the circumstances of all, and that alone which afforded any tolerable prospect of general ratification ; and urging its *immediate* adoption in the following deeply affecting and impressive admonition :—

“We have reason to regret the time which has elapsed in preparing this plan for consideration. With additional solicitude we look forward to that which must be necessarily spent before it can be ratified. Every motive loudly calls upon us to hasten its conclusion.

“More than any other consideration, it will confound our foreign enemies, defeat the flagitious practices of the disaffected, strengthen and confirm our friends, sup-

port our public credit, restore the value of our money, enable us to maintain our fleets and armies, and add weight and respect to our councils at home, and to our treaties abroad.

"In short, this salutary measure can no longer be deferred. It seems essential to our very existence as a free people; and without it we may soon be constrained to bid adieu to independence, to liberty and safety—blessings which from the justice of our cause, and the favour of our Almighty Creator, visibly manifested in our protection, we have reason to expect, if in an humble dependence on his divine providence, we strenuously exert the means which are placed in our power."

In this solemn, urgent, and emphatic manner, and with these flattering and sanguine anticipations of the blessings to be showered upon their country by this cumbrous and complicated confederacy of sovereign and independent states, was this instrument transmitted to the state Legislatures; and so anxious were the framers of it for the sanction of the states at the earliest possible moment, that it was recommended to the executive of each of the states to whom it was addressed, if the Legislature was not assembled at the time of its reception, to convene them without delay.

Not such however was the disposition of the several state Legislatures. Each of them was governed as it naturally and necessarily must be by the interests and opinions predominating within the state itself. Not one of them was satisfied with the articles as they had

been prepared in Congress. Every state Legislature found something objectionable in them. They combined the enormous inconsistency of an equal representation in Congress of states most unequal in extent and population, and an imposition of all charges, and expenses of the whole, proportioned to the extent and value of the settled and cultivated lands in each. A still more vital defect of the instrument was that it left the questions of the limits of the several states and in whom was the property of the unsettled crown-lands, not only unadjusted, but wholly unnoticed.

The form of ratification proposed by Congress, was that each of the state Legislatures should authorize their delegates in Congress to subscribe the Articles; and in their impatience for a speedy conclusion, two motions were made to recommend that the states should enjoin upon their delegates invested with this authority, to attend Congress for that purpose, on or before the then ensuing first of May or tenth of March.

These however did not prevail. This extreme anxiety for the prompt and decisive action of the states, upon this organization of the confederacy, was the result of that same ardent and confiding patriotism so unforeseeing, and yet so sincere, which could flatter itself with the belief that this nerveless and rickety league of friendship between sovereign, independent, disunited states, could confound the foreign enemies of the Union, defeat the practices of the disaffected, support the credit of the country, restore the value of their depreciating money, enable them to maintain

fleets and armies, and add weight and respect to their counsels at home, and to their treaties abroad.

This fervid patriotism, and all these glowing anticipations were doomed to total disappointment. Seven months passed away, and on the 22d of June, 1778, Congress proceeded to consider the *objections* of the states to the articles of confederation. Those of Maryland were first discussed and rejected. Those of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and South Carolina, followed, and all shared the same fate. No objections were presented by New Hampshire or Virginia. Delaware and North Carolina had no representation then present, and Georgia only one member in attendance.

On the 9th of July, 1778, the Articles were signed by the delegates of New Hampshire, Massachusetts bay, Rhode Island, Connecticut, New York, Pennsylvania, Virginia and South Carolina.

The delegates from New Jersey, Delaware and Maryland, informed Congress that they had not *yet* received powers to ratify and sign. North Carolina and Georgia were not represented—and the ratification of New York was conditional that all the other states should ratify.

The delegates from North Carolina signed the Articles on the 21st of July, 1778. Those of Georgia on the 24th of the same month. Those of New Jersey on the 26th of November, 1778. Those of Delaware on the 22d of February, and 5th of May, 1779—but Maryland held out to the last, and positively refused

the ratification, until the question of the conflicting claims of the Union, and of the separate states to the property of the crown-lands should be adjusted. This was finally accomplished by cessions from the claiming states to the United States, of the unsettled lands, for the benefit of the whole Union.

Is it not strange again that it appears not to have been perceived by any one at that time that the whole of this controversy arose out of a departure from the principles of the Declaration of Independence, and the substitution of state sovereignty instead of the constituent sovereignty of the people, as the foundation of the Revolution and of the Union. The war from the beginning had been, and yet was, a revolutionary popular war. The colonial governments never had possessed or pretended to claim sovereign power. Many of them had not even yet constituted themselves as independent States. The Declaration of Independence proclaims the natural rights of man, and the constituent power of the people to be the *only* sources of legitimate government. State sovereignty is a mere argument of power, without regard to right — a mere reproduction of the omnipotence of the British parliament in another form, and therefore not only inconsistent with, but directly in opposition to, the principles of the Declaration of Independence.

The cessions of the claiming states of the crown lands to the Union, originated the territorial system, and eventuated in the ordinance for the government of the North Western Territory. It also removed the insuperable ob-

jection of the State of Maryland to the articles of confederation, and her delegates signed them on the 1st of March, 1781, four years and four months' after they had been submitted by Congress to the sovereign states, with a solemn averment that they could no longer be deferred; that they seemed essential to the very existence of the Union *as a free people*; and that without them they might be constrained to bid adieu to independence, to liberty, and safety.

But the dispute relating to the jurisdiction and property of the crown lands, was only one of a multitude of stumbling blocks which were perpetually crossing the path of the new nation, in the collisions between the principles of the Declaration of Independence and the sovereignty of the separate states. In the adjustment of that, both the systems were substantially set aside. For the claiming states, by the cessions themselves, abandoned their pretensions, so far as that interest was concerned, to the rights of independent state sovereignty, and the Congress of the confederation by an enactment of the ordinance for the government of the North Western Territory, assumed an authority which had not been delegated to them, either by the constituent sovereign people, or by the separate sovereign states.

The articles of confederation had withheld from Congress, the power of regulating the commerce of the Union, and of levying money by taxation upon the people; yet they were authorized to make war and conclude peace — to contract debts and bind the nation by treaties of commerce. The war was raging in its

most inveterate fury, and to defray its indispensable charges and expenses, the only power of Congress was to issue *requisitions* to the states, which their sovereign power complied with, or disregarded, or rejected, according to their sovereign will and pleasure.

So seldom had this been to furnish the required supplies, that even before the first ratification of the articles of confederation, on the 3d of February, 1781, it had been resolved that it be recommended to the several states, as *indispensably necessary*, that they vest a power in Congress, to levy for the use of the United States, a duty of five per cent. ad valorem, at the time and place of importation, upon all foreign goods, wares, and merchandise of foreign growth and manufactures, imported after the 1st of May, 1781; also a like duty upon all prize-goods, to be appropriated to the discharge of the principal and interest of the debts contracted on the faith of the United States, for the support of the war.

Indispensably necessary! But according to the principles of the Declaration of Independence, the state legislatures themselves had no authority to confer this power upon Congress. It was *taxation*—one of the powers which the people alone are competent to bestow, and which their servants, the state legislatures, if they possessed it themselves, had no right to delegate to any other body.

Upon the principles of state sovereignty—power without right, this authority might have been conferred upon Congress by the state legislatures, and several of them did enact laws for bestowing it. But by the arti-

cles of confederation, no alteration of them could be effected without the consent of all the states, and Rhode Island, the smallest state in the Union, inflexibly held out in the refusal to grant the indispensably necessary power. Virginia granted and soon repealed it. Congress issued bills of credit as long as they had any credit; but all the states did the same till their bottomless paper depreciated to a thousand for one, and then vanished by a universal refusal to receive it. Congress issued four successive requisitions upon the states, for their respective quotas to pay the debts and current expenses of the Union. Not one of the states paid one half the amount of its contribution. Congress borrowed money in France, in Spain, in Holland, and obtained it there when they could not raise a dollar at home, and they were compelled to resort to new loans to pay the interest upon those that had preceded.

Under the pressure of all these distresses, the cause of independence was triumphant. Peace came. The United States of America were recognised as free and independent, and as *one People* took the station to which the laws of nature and of nature's God entitled them among the powers of the earth. But their confederacy of sovereign states was as incompetent to govern them in peace as it had been to conduct them in war. The first popular impulse to union had carried them through the war. As that popular impulse died away, the confederation had supplied its place with hope and promise, the total disappointment of which, though dis-

covered before the peace, was providentially not permitted to prevent its conclusion.

Peace came. The heroic leader of the revolutionary armies surrendered his commission. The armies were disbanded, but they were not paid. Mutiny was suppressed; but not until Congress had been surrounded by armed men, demanding justice, and appealed in vain for protection to the sovereign state within whose jurisdiction they were sitting. A single frigate, the remnant of a gallant navy, which had richly shared the glories, and deeply suffered the calamities of the war, was dismantled and sold. The expenses of the nation were reduced to the minimum of a peace establishment, and yet the nation was not relieved. The nation wanted a government founded on the principles of the Declaration of Independence—a government constituted by the people.

The commerce, navigation, and fisheries of the nation, had been annihilated by the war. But as a civilized nation cannot exist without commerce, an illicit trade with the enemy had sprung up towards the close of the war, highly injurious to the common cause, but which Congress had not the power to suppress. The same causes had given rise to another practice not less pernicious and immoral, by which privateersmen *ransomed* the prizes captured from the enemy at sea—that is, by releasing the captured vessel for a contribution taken in bills upon the owner of the prize, which were punctually paid, thereby converting the trade of the privateer into a species of gambling piracy.

These practices ceased with the peace. But the commerce of the United States, for want of a regulating power, was left at the mercy of foreign and rival traders. Britain immediately took advantage of this weakness, declined entering into any commercial treaty with us, which Congress had proposed, and brought to bear upon the American trade all the weight of her navigation laws. Massachusetts and Virginia made the experiment of counteracting laws, the only effect of which was to exclude a little remnant of their trade from their own ports, and to transfer it to the ports of neighbouring states.

On the 18th of April, 1783, Congress renewed the demand upon the states, for authority to levy an impost duty, specific on sundry articles of importation, and five per cent. ad valorem on others, to raise not quite one million of dollars, or about two fifths of the annual interest accruing upon the public debt; and that the states should themselves establish some system for supplying the public treasury with funds, for the punctual payment of the other three fifths of the annual interest; and also, for an alteration in the articles of confederation, changing the proportional rule of contribution of the states, from the surface of settled land to the numbers of population.

And on the 30th of April, 1784, Congress recommended to the state legislatures to vest the United States in Congress assembled, for the term of fifteen years, with powers to prohibit importations of merchandise in foreign vessels of nations with whom the United

States had no treaties of commerce, and to prohibit foreigners, unless authorized by treaty, from importing into the United States, merchandise, other than the produce or manufacture of their own country. In other words, to enact a navigation law.

None of these indispensably necessary powers were ever conferred by the state legislatures upon the Congress of the confederation; and well was it that they never were. The system itself was radically defective. Its incurable disease was an apostacy from the principles of the Declaration of Independence. A substitution of separate state sovereignties, in the place of the constituent sovereignty of the people, as the basis of the confederate Union.

But in this Congress of the confederation, the master minds of James Madison and Alexander Hamilton, were constantly engaged through the closing years of the Revolutionary War, and those of peace which immediately succeeded. That of John Jay was associated with them shortly after the peace, in the capacity of Secretary to the Congress for Foreign Affairs. The incompetency of the articles of confederation for the management of the affairs of the Union at home and abroad, was demonstrated to them by the painful and mortifying experience of every day. Washington, though in retirement, was brooding over the cruel injustice suffered by his associates in arms, the warriors of the Revolution; over the prostration of the public credit and the faith of the nation, in the neglect to provide for the payment even of the interest upon the pub-

lic debt ; over the disappointed hopes of the friends of freedom ; in the language of the address from Congress to the States of the 18th of April, 1783—"the pride and boast of America, that the rights for which she contended were the rights of human nature."

At his residence of Mount Vernon, in March, 1785, the first idea was started of a revision of the articles of confederation, by an organization of means differing from that of a compact between the state Legislatures and their own delegates in Congress. A convention of delegates from the state Legislatures, independent of the Congress itself, was the expedient which presented itself for effecting the purpose, and an augmentation of the powers of Congress for the regulation of commerce, as the object for which this assembly was to be convened. In January, 1786, the proposal was made and adopted in the Legislature of Virginia, and communicated to the other state Legislatures.

The Convention was held at Annapolis, in September of that year. It was attended by delegates from only five of the central states, who on comparing their restricted powers, with the glaring and universally acknowledged defects of the confederation, reported only a recommendation for the assemblage of another convention of delegates to meet at Philadelphia, in May, 1787, from all the states and with enlarged powers.

The Constitution of the United States was the work of this Convention. But in its construction the Convention immediately perceived that they must retrace their steps, and fall back from a league of friendship

between sovereign states, to the constituent sovereignty of *the people*; from *power to right*—from the irresponsible despotism of state sovereignty, to the self-evident truths of the Declaration of Independence. In that instrument, the right to institute and to alter governments among men was ascribed exclusively to *the people*—the ends of government were declared to be to *secure* the natural rights of man; and that *when* the government degenerates from the promotion to the destruction of that end, the right and the duty accrues to the people, to dissolve this degenerate government and to institute another. The Signers of the Declaration further averred, that the one people of the *United Colonies* were then precisely in that situation—with a government degenerated into tyranny, and called upon by the laws of nature and of nature's God, to dissolve that government and to institute another. Then in the name and by the authority of the good people of the Colonies, they pronounced the dissolution of their allegiance to the king, and their eternal separation from the nation of Great Britain—and declared the United Colonies independent States. And here as the representatives of the one people they had stopped. They did not require the confirmation of this Act, for the power to make the Declaration had already been conferred upon them by the people; delegating the power, indeed, separately in the separate colonies, not by colonial authority, but by the spontaneous revolutionary movement of the people in them all.

From the day of that Declaration, the constituent

power of the people had never been called into action. A confederacy had been substituted in the place of a government; and state sovereignty had usurped the constituent sovereignty of the people.

The Convention assembled at Philadelphia had themselves no direct authority from the people. Their authority was all derived from the state legislatures. But they had the articles of confederation before them, and they saw and felt the wretched condition into which they had brought the whole people, and that the Union itself was in the agonies of death. They soon perceived that the indispensably needed powers were such as no state government; no combination of them was by the principles of the Declaration of Independence competent to bestow. They could emanate only from the people. A highly respectable portion of the assembly, still clinging to the confederacy of states, proposed as a substitute for the Constitution, a mere revival of the articles of confederation, with a grant of additional powers to the Congress. Their plan was respectfully and thoroughly discussed, but the want of a government and of the sanction of the people to the delegation of powers, happily prevailed. A Constitution for the people, and the distribution of legislative, executive, and judicial powers, was prepared. It announced itself as the work of the people themselves; and as this was unquestionably a power assumed by the Convention, not delegated to them by the people, they religiously confined it to a simple power to propose, and carefully provided that it should be no more

than a proposal until sanctioned by the confederation Congress, by the state Legislatures, and by the people of the several states, in conventions specially assembled, by authority of their Legislatures, for the single purpose of examining and passing upon it

And thus was consummated the work, commenced by the Declaration of Independence. A work in which the people of the North American Union, acting under the deepest sense of responsibility to the Supreme Ruler of the universe, had achieved the most transcendent act of power, that social man in his mortal condition can perform. Even that of dissolving the ties of allegiance which he is bound to his country — of renouncing that country itself — of demolishing its government, of instituting another government, and of making for himself another country in its stead.

And on that day, of which you now commemorate the fiftieth anniversary — on that 30th day of April, one thousand seven hundred and eighty-nine, was this mighty revolution, not only in the affairs of our own country, but in the principles of government over civilized man, accomplished.

The revolution itself was a work of thirteen years — and had never been completed until that day. The Declaration of Independence and the Constitution of the United States, are parts of one consistent whole, founded upon one and the same theory of government, then new, not as a theory, for it had been working itself into the mind of man for many ages, and been especially expounded in the writings of Locke, but

had never before been adopted by a great nation in practice.

There are yet, even at this day, many speculative objections to this theory. Even in our own country, there are still philosophers who deny the principles asserted in the Declaration, as self-evident truths—who deny the natural equality and inalienable rights of man—who deny that the people are the only legitimate source of power—who deny that all just powers of government are derived from the *consent* of the governed. Neither your time, nor perhaps the cheerful nature of this occasion, permit me here to enter upon the examination of this anti-revolutionary theory, which arrays state sovereignty against the constituent sovereignty of the people, and distorts the Constitution of the United States into a league of friendship between confederate corporations. I speak to matters of fact. There is the Declaration of Independence, and there is the Constitution of the United States—let them speak for themselves. The grossly immoral and dishonest doctrine of despotic state sovereignty, the exclusive judge of its own obligations, and responsible to no power on earth or in heaven, for the violation of them, is not there. The Declaration says it is not in me. The Constitution says it is not in me.

The confederacy of sovereign states has made itself known by its fruits; but there is one observation so creditable to our revolutionary fathers, that it ought never to be overlooked. The defects of the confederacy were vices of the institution, and not of the men by

whom it was administered. The jealousy of delegated power pervaded every part of the articles of confederacy, and indeed, almost all the separate constitutions. The prevailing principle of every provision made under the influence of this distrusting maxim, was that the same power should not long be intrusted to the same hands — but it never extended to the exclusion of any person from office, after a designate term of service in another. One of the articles of confederation had interdicted every person from holding the office of a member of Congress more than three years in six. But any member excluded by the expiration of his limited term of service in Congress, was eligible to any other station in the legislative, executive, or judicial departments of his state, or to any office, civil or military, within the general jurisdiction of Congress.

In point of fact, the great measures by which the revolution was commenced, conducted, and concluded, were devised and prosecuted by a very few leading minds, animated by one pervading, predominating spirit. The object of the Revolution was the transformation of thirteen dependant and oppressed English colonies, into one nation of thirteen confederated states. It was as the late Mr. Madison remarked to Miss Martineau, an undertaking to do that which had always before been believed impossible. In the progress to its accomplishment, obstacles almost numberless, and difficulties apparently insurmountable, obstructed every step of the way. That in the dissolution and re-institution of the social compact, by men marching over an untrodden path to

the very fountains of human government, great and dangerous errors should have been committed, is but an acknowledgment that the builders of the new edifice were fallible men. But at the head of the convention that formed the Constitution, was George Washington, the leader of the armies of the Revolution—among its prominent members were Benjamin Franklin and Roger Sherman, two of the members of that memorable committee who had reported the Declaration of Independence—and its other members without exception, were statesmen who had served in the councils of the Union, throughout the Revolutionary struggle, or warriors who had contended with the enemy upon the field.

The Signers of the Declaration of Independence themselves, were the persons who had first fallen into the error of believing that a confederacy of independent states would serve as a substitute for the repudiated government of Great Britain. Experience had demonstrated their mistake, and the condition of the country was a shriek of terror at its awful magnitude. They did retrace their steps—not to extinguish the federative feature in which their union had been formed: nothing could be wider from their intention—but to restore the order of things conformably to the principles of the Declaration of Independence, and as they had been arranged in the first plans for a confederation. To make the people of the Union the constituent body, and the reservation of the rights of the states subordinate to the Constitution. Hence the delegation of

power was not from each state retaining it sovereignty, and all rights not expressly delegated by the states, but from the people of each and of all the states, to the United States in Congress assembled, representing at once the whole people and all the states of the Union.

They retained the federative feature pre-eminently in the constitution of the Senate, and in the complication of its great powers, legislative, executive, and judicial—making that body a participant in all the great departments of constituted power. They preserved the federative principle and combined it with the constituent power of the people in the mode of electing the President of the United States, whether by the electoral colleges, or by the House of Representatives voting by states. They preserved it even in the constitution of the House, the popular branch of the Legislature, by giving separate delegations to the people of each state. But they expressly made the Constitution and constitutional laws of the United States paramount not only to the laws, but to the constitutions of the separate states inconsistent with them.

I have traced *step by step*, in minute and tedious detail, the departure from the principles of the Declaration of Independence, in the process of organizing the confederation—the disastrous and lamentable consequences of that departure, and the admirable temper and spirit, with which the Convention at Philadelphia returned to those principles in the preparation and composition of the Constitution of the United States.

That this work was still imperfect, candour will compel us all to admit, though in specifying its imperfections, the purest minds and the most patriotic hearts differ widely from each other in their conclusions. Distrustful as it becomes me to be of my own judgment, but authorized by the experience of a full half century, during which I have been variously and almost uninterruptedly engaged in both branches of the Legislature, and in the executive departments of this government, and released, by my own rapid approach to the closing scene of life, from all possible influence of personal interest or ambition, I may perhaps be permitted to remark, that the omission of a clear and explicit Declaration of Rights, was a great defect in the Constitution as presented by the Convention to the people, and that it has been imperfectly remedied by the ten Articles of amendment proposed by the first Congress under the Constitution, and now incorporated with it. A Declaration of Rights would have marked in a more emphatic manner the return from the derivative sovereignty of the states, to the constituent sovereignty of the people for the basis of the federal Union, than was done by the words, "We the people of the United States," in the preamble to the Constitution. A Declaration of Rights, also, systematically drawn up, as a part of the Constitution, and adapted to it with the consummate skill displayed in the consistent adjustment of its mighty powers, would have made it more complete in its unity, and in its symmetry, than it now appears, an elegant edifice, but encumbered with

superadditions, not always in keeping with the general character of the building itself.

A Declaration of Rights, reserved by the constituent body, the people, might and probably would have prevented many delicate and dangerous questions of conflicting jurisdictions which have arisen, and may yet arise between the general and the separate state governments. The rights reserved by the people would have been exclusively their own rights, and they would have been protected from the encroachments not only of the general government, but of the disunited states.

And this is the day of your commemoration. The day when the Revolution of Independence being completed, and the new confederated Republic announced to the world, as the United States of America, *constituted* and organized under a government founded on the principles of the Declaration of Independence, was to hold her course along the lapse of time among the civilized potentates of the earth.

From this point of departure we have looked back to the origin of the Union; to the conflict of war by which the severance from the mother-country, and the release from the thralldom of a trans-Atlantic monarch, were effected, and to the more arduous and gradual progression by which the new government had been constructed to take the place of that which had been cast off and demolished.

The first object of the people, declared by the Constitution as their motive for its establishment, *to form a more perfect Union*, had been attained by the establish-

ment of the Constitution itself; but this was yet to be demonstrated by its practical operation in the establishment of justice, in the ensurance of domestic tranquility, in the provision for the common defence, in the promotion of the general welfare, and in securing the blessings of liberty to the people themselves, the authors of the Constitution, and to their posterity.

These are the great and transcendental objects of all legitimate government. The primary purposes of all human association. For these purposes the confederation had been instituted, and had signally failed for their attainment. How far have they been attained under this new national organization?

It has abided the trial of time. This day fifty years have passed away since the first impulse was given to the wheels of this political machine. The generation by which it was constructed, has passed away. Not one member of the Convention who gave this Constitution to their country, survives. They have enjoyed its blessings so far as they were secured by their labours. They have been gathered to their fathers. That posterity for whom they toiled, not less anxiously than for themselves, has arisen to occupy their places, and is rapidly passing away in its turn. A third generation, unborn upon the day which you commemorate, forms a vast majority of the assembly who now honour me with their attention. Your city which then numbered scarcely thirty thousand inhabitants, now counts its numbers by hundreds of thousands. Your state, then numbering less than double the population of your city at this day, now tells its

children by millions. The thirteen primitive states of the revolution, painfully rallied by this constitution to the fold from which the impotence and dis-uniting character of the confederacy, was already leading them astray, now reinforced by an equal number of younger sisters, and all swarming with an active, industrious, and hardy population, have penetrated from the Atlantic to the Rocky Mountains, and opened a paradise upon the wilds watered by the father of the floods. The Union, which at the first census, ordained by this Constitution, returned a people of less than four millions of souls; at the next census, already commanded by law, the semi-centural enumeration since that day, is about to exhibit a return of seventeen millions. Never since the first assemblage of men in social union, has there been such a scene of continued prosperity recorded upon the annals of time.

How much of this prosperity is justly attributable to the Constitution, then first put upon its trial, may perhaps be differently estimated by speculative minds. Never was a form of government so obstinately, so pertinaciously contested before its establishment — and never was human foresight and sagacity more disconcerted and refuted by the event, than those of the opposers of the Constitution. On the other hand its results have surpassed the most sanguine anticipations of its friends. Neither Washington, nor Madison, nor Hamilton, dared to hope that this new experiment of government would so triumphantly accomplish the purposes which the confederation had so utterly failed to effect. Washington—

far from anticipating the palm of glory which his administration of this government was to entwine around his brow, transcending the laurel of his then unrivalled military renown, in the interval between the 4th of March, when the meeting of the first Congress had been summoned, and the 14th of April, when he received from them the notification of his election as President of the United States, thus unbosomed to his friend Knox the forebodings of his anxious and agitated mind. "I feel," wrote he, "for those members of the new Congress, who hitherto have given an unavailing attendance at the theatre of action. For myself, the delay may be compared to a reprieve; for in confidence I tell *you*, (with the world it would obtain little credit,) that my movements to the chair of government will be accompanied by feelings not unlike those of a culprit who is going to the place of his execution. So unwilling am I, in the evening of life, nearly consumed in public cares, to quit a peaceful abode for an ocean of difficulties, without that competency of political skill, abilities, and inclination, which are necessary to manage the helm. I am sensible that I am embarking the voice of the people and a good name of my own, on this voyage, but what returns can be made of them, Heaven alone can foretell. Integrity and firmness are all I can promise: these, be the voyage long or short, shall never forsake me, although I may be deserted by all men: for of the consolations which are to be derived from them, under any circumstances, the world cannot deprive me."

One of the most indubitable tests of the merit of hu-

an institutions for the government of men, is the length of time which they endure ; but so fluctuating is the character of nations and of ages, as well as of individuals, that in the history of mankind before our own age, the durability of human governments has been exclusively confined to those founded upon conquests and hereditary power. In summing up the character of William the Conqueror, the Scottish historian, Hume, remarks, that " though he rendered himself infinitely odious to his English subjects, he transmitted his power to posterity, and the throne is still filled by his descendants ; a proof," says the historian, " that the foundations which he laid, were firm and solid, and that amidst all violence, while he seemed only to gratify the present passion, he had still an eye towards futurity."

The descendant from William the Conqueror, who led the throne of Britain when the Scottish historian made this remark, was the person whom his American subjects, to whom he had rendered himself odious, unseated from that portion of his throne which ruled over them ; and in discarding him they had demolished the throne itself for ever. They had resolved for themselves and for posterity, never again to be ruled by thrones. The declaration of Independence had promulgated principles of government, subversive of all unlimited sovereignty and all hereditary power. Principles, in consistency with which no conqueror could establish by violence a throne to be trodden by himself and by his posterity, for a space of eight hundred years. The foundations of government laid by those who had burnt by fire and scattered to the

winds of Heaven, the ashes of this conqueror's throne, were human rights, responsibility to God, and the consent of the people. Upon these principles, the Constitution of the United States had been formed, was now organized, and about to be carried into execution, to abide the test of time. The first element of its longevity was undoubtedly to be found in itself—but we may, without superstition or fanaticism, believe that a superintending Providence had adapted to the character and principles of this institution, those of the man by whom it was to be first administered. To fill a throne was neither his ambition nor his vocation. He had no descendants to whom a throne could have been transmitted, had it existed. He was placed by the unanimous voice of his country, at the head of that government which they had substituted for a throne, and his eye looking to futurity, was intent upon securing to after ages, not a throne for a seat to his own descendants, but an immoveable seat upon which the descendants of his country might sit in peace, and freedom, and happiness, if so it please Heaven, to the end of time.

That to the accomplishment of this task he looked forward with a searching eye, and even an over-anxious heart, will not be surprising to any who understands his character, or is capable of comprehending the magnitude and difficulty of the task itself.

There are incidental to the character of man two qualities, both developed by his intercourse with his fellow-creatures, and both belonging to the immortal part of his nature; of elements apparently so opposed and

inconsistent with each other, as to be irreconcilable together; but yet indispensable in their union to constitute the highest excellence of the human character. They are the spirit of command, and the spirit of meekness. They have been exemplified in the purity of ideal perfection, only once in the history of mankind, and that was in the mortal life of the Saviour of the world. It would seem to have been exhibited on earth by his supernatural character, as a model to teach mortal man, to what sublime elevation his nature is capable of ascending. They had been displayed, though not in the same perfection by the preceding legislator of the children of Israel;—

“That Shepherd, who first taught the chosen seed
In the beginning, how the heavens and earth
Rose out of Chaos;”

but so little were they known, or conceived of in the antiquity of profane history, that in the poems of Homer, that unrivalled delineator of human character in the heroic ages, there is no attempt to introduce them in the person of any one of his performers, human or divine. In the poem of his Roman imitator and rival, a feeble exemplification of them is shadowed forth in the inconsistent composition of the pious Æneas; but history, ancient or modern, had never exhibited in the real life of man, an example in which those two properties were so happily blended together, as they were in the person of George Washington. These properties belong rather to the moral than the intellectual nature of man. They

are not unfrequently found in minds little cultivated by science, but they require for the exercise of that mutual control which guards them from degenerating into arrogance or weakness, the guidance of a sound judgment, and the regulation of a profound sense of responsibility to a higher Power. It was this adaptation of the character of Washington to that of the institution over the composition of which he had presided, as he was now called to preside over its administration, which constituted one of the most favorable omens of its eventful stability and success.

But this institution was republican, and even democratic. And here not to be misunderstood, I mean by democratic, a government, the administration of which must always be rendered comfortable to that predominating public opinion, which even in the ages of heathen antiquity, was denominated the queen of the world: and by republican I mean a government reposing, not upon the virtues or the powers of any one man — not upon that *honour*, which Montesquieu lays down as the fundamental principle of monarchy — far less upon that *fear* which he pronounces the basis of despotism; but upon that *virtue* which he, a noble of aristocratic peerage, and the subject of an absolute monarch, boldly proclaims as a fundamental principle of republican government. The Constitution of the United States was republican and democratic — but the experience of all former ages had shown that of all human governments, democracy was the most unstable, fluctuating and short-lived; and it was obvious that if virtue — the virtue of the people, was the foundation of republican govern-

ment, the stability and duration of the government must depend upon the stability and duration of the virtue by which it is sustained.

Now the *virtue* which had been infused into the Constitution of the United States, and was to give to its vital existence the stability and duration to which it was destined, was no other than the concretion of those abstract principles which had been first proclaimed in the Declaration of Independence — namely, the self-evident truths of the natural and unalienable rights of man, of the indefeasible constituent and dissolvent sovereignty of the people, always subordinate to a rule of right and wrong, and always responsible to the Supreme Ruler of the universe for the *rightful* exercise of that sovereign, constituent, and dissolvent power.

This was the platform upon which the Constitution of the United States had been erected. Its VIRTUES, its republican character, consisted in its conformity to the principles proclaimed in the Declaration of Independence, and as its administration must necessarily be always pliable to the fluctuating varieties of public opinion ; its stability and duration by a like overruling and irresistible necessity, was to depend upon the stability and duration in the hearts and minds of the people of that *virtue*, or in other words, of those principles, proclaimed in the Declaration of Independence, and embodied in the Constitution of the United States.

With these considerations, we shall be better able to comprehend the feelings of repugnance, of pain, of anguish, of fearful forebodings, with which Washington had consented to be placed at the head of this new and

untried experiment to consolidate the people of the thirteen then disunited states into one confederated and permanent happy Union. For his own integrity and firmness he could answer; and these were sufficient to redeem his own personal responsibility—but he was embarking on this ocean of difficulty a good name already achieved by toils, and dangers, and services unparalleled in human history—surpassing in actual value the richest diadem upon earth, and more precious in his estimation than the throne of the universal globe, had it been offered as an alternative to his choice.

He knew the result would not depend upon him. His reliance was upon the good providence of Heaven. He foresaw that he might be deserted by all mankind. The Constitution itself had been extorted from the grinding necessity of a reluctant nation. The people only of eleven of the thirteen primitive states had sanctioned it by their adoption. A stubborn, unyielding resistance against its adoption had manifested itself in some of the most powerful states in the Union, and when overpowered by small majorities in their conventions, had struggled in some instances successfully, to recover their ascendancy by electing to both Houses of Congress members who had signalized themselves in opposition to the adoption of the Constitution. A sullen, embittered, exasperated spirit was boiling in the bosoms of the defeated, then styled anti-Federal party, whose rallying cry was state rights—state sovereignty—state independence. To this standard no small number even of the ardent and distinguished

patriots of the Revolution had attached themselves with partial affection. State sovereignty—unlimited state sovereignty, amenable not to the authority of the Union, but only to the people of the disunited state itself, had, with the left-handed wisdom characteristic of faction, assumed the mask of liberty, pranked herself out in the garb of patriotism, and courted the popular favour in each state by appeals to their separate independence—affecting to style themselves exclusively *Republicans*, and stigmatizing the Federalists, and even Washington himself their head, as monarchists and tories.

On the other hand, no small number of the Federalists, sickened by the wretched and ignominious failure of the Articles of Confederation to fulfil the promise of the Revolution; provoked at once and discouraged by the violence and rancour of the opposition against their strenuous and toilsome endeavours to raise their country from her state of prostration; chafed and goaded by the misrepresentations of their motives, and the reproaches of their adversaries, and imputing to them in turn, deliberate and settled purposes to dissolve the Union, and resort to anarchy for the repair of ruined fortunes—distrusted even the efficacy of the Constitution itself, and with a weakened confidence in the virtue of the people, were inclining to the opinion, that the only practicable substitute for it would be a government of greater energy than that presented by the Convention. There were among them numerous warm and sincere admirers of the British Constitution;

disposed to confide rather to the inherent strength of the government than to the self-evident truths of the Declaration of Independence, for the preservation of the rights of property and perhaps of persons—and with these discordant feelings and antagonizing opinions, were intermingled on both sides individual interests and ambitions, counteracting each other as in the conduct and management of human affairs they always have and always will—not without a silent and secret mixture of collateral motives and impulses, from the domestic intercourse of society, for which the legislator is not competent to provide, and the effect of which not intuition itself can foresee.

The same calm, but anxious and even distrusting contemplation of the prospect before him, and of the difficulties and dangers which he was destined to encounter in his new career, followed him after he received the annunciation of his election, and the summons to repair to his post. The moment of his departure from the residence of his retirement, was thus recorded in his diary: "About ten o'clock I bade adieu to Mount Vernon, to private life, and to domestic felicity; and with a mind *oppressed with more anxious and painful sensations, than I have words to express*, set out for New York—with the best disposition to render service to my country in obedience to its call, but with less hope of answering its expectations."

His progress from Mount Vernon to New York, was one triumphal procession. At Alexandria, at Georgetown, at Philadelphia, at Trenton, at Brunswick, at the

borders of the state of New Jersey, at Elizabethtown Point, he was surrounded, addressed, escorted, by crowds of his grateful, confiding, hoping, affectionate fellow-citizens, of all classes, of both sexes, of every age and condition, showering upon him in every variety of form demonstrations of the most enthusiastic attachment. Corporations of magistrates addressed him in strains of pious, patriotic, and fervid eloquence. The soldiers of their country, in the prime of life, in the pride and pomp of war, but in the circumstance of honourable peace, preceded him as a guard of ornament and of glory. At his passage over the Schuylkill bridge, a crown of unfading laurel was unconsciously to himself, dropped by a blooming boy from a thickly laurelled arch upon his head. At Trenton, he was welcomed by a band of aged matrons commemorating his noble defence of them, thirteen years before on that spot, at the turning tide of the War of Independence—while their virgin daughters strewed the path before him with flowers, and chanting a song like that of Miriam, hailed him as *their* protector, who had been the defender of their mothers. A committee of Congress met him on his approach to the Point, where a richly ornamented barge of thirteen oars, manned by thirteen branch pilots of your own harbour, prepared by your forefathers, then the inhabitants of your bright-starred city, was in waiting to receive him. In this barge he embarked. But the bosom of the waters around her, as she swept along, was as populous as had been the shores. The garish streamers floated upon the gale—

songs of enchantment resounded from boat to boat, intermingled with the clashing of cymbals, with the echoing of horns, with the warbling of the flute, and the mellowing tones of the clarionet, weakened, but softened as if into distance, by the murmur of the breeze and the measured dashing of the waters from the oars, till on reaching your city! . . . but let his own diary record the emotions of his soul: "The display of boats,"—I quote from his biographer, the lamented late Chief Justice Marshall,—"which attended and joined on this occasion, some with vocal, and others with instrumental music on board, the decorations of the ships, the roar of cannon, and the loud acclamations of the people, which rent the sky as I passed along the wharves, filled my mind with sensations as PAINFUL (contemplating the reverse of this scene, which may be the case after all my labours to do good) as they were pleasing."

How delightful is it, my beloved countrymen, on this festive day of jubilee, commemorating that day so pregnant with *your* weal or wo, and with that of your children's children, how delightful is it at the distance of fifty years from that day of promised blessings and of anticipated disappointments, to reflect that all the fairest visions of hope were to be more than realized, and all the apprehensions of wary prudence and self-distrusting wisdom more than dissipated and dispelled.

Yes, my countrymen, we have survived to this day of jubilee, and the only regret which shades the sober certainty of waking bliss, with which he who now ad-

dresses you, turns back the retrospective eye upon the long career between that time and the present, is the imperfection of his power to delineate with a pencil of phosphorus, the contrast between the national condition of your forefathers at that day, as it had been allotted to them by the articles of confederation, and your present state of associated existence, as it has been shaped and modified by the Constitution of the United States, administered by twenty-five biennial Congresses, and eight Presidents of the United States.

By the adoption and organization of the Constitution of the United States, these principles had been settled :—

1. That the affairs of the people of the United States were thenceforth to be administered, not by a confederacy, or mere league of friendship between the sovereign states, but by a *government*, distributed into the three great departments — legislative, judicial, and executive.

2. That the powers of government should be limited to concerns interesting to the whole people, leaving the internal administration of each state, *in peace*, to its own constitution and laws, provided that they should be *republican*, and interfering with them as little as should be necessary in *war*.

3. That the legislative power of this government should be divided between two assemblies, one representing directly the people of the *separate* states ; and the other their *legislatures*.

4. That *the executive power* of this government should be vested in one person chosen for four years, with certain qualifications of age and nativity, re-eligible

without limitation, and invested with a qualified negative upon the enactment of the laws.

5. That the judicial power should consist of tribunals inferior and supreme, to be instituted and organized by Congress, but to be composed of persons holding their offices during good behaviour, that is, removable only by impeachment.

The organization and constitution of the subordinate executive departments, were also left to the discretionary power of Congress.

But the exact limits of legislative, judicial, and executive power, have never been defined, and the distinction between them is so little understood without reference to certain theories of government, or to specific institutions, that a very intelligent, well-informed and learned foreigner, with whom I once conversed, upon my using the words executive power, said to me, "I suppose by the executive power, you mean the power that **MAKES** the laws." . . . Nor is this mistake altogether unexampled, even among ourselves; examples might be adduced in our history, national and confederate, in which the incumbents both of judicial and executive offices have mistaken themselves for the power that *makes* the laws—as on the other hand examples yet more frequent might be cited of legislators, and even legislatures, who have mistaken themselves to be judges, or executives supreme.

The legislative, judicial, and executive powers, like the prismatic colours of the rainbow, are entirely separate and distinct; but they melt so imperceptibly into

each other that no human eye can discern the exact boundary line between them. The broad features of distinction between them are perceptible to all; but perhaps neither of them can be practically exercised without occasional encroachment upon the borders of its neighbour. The Constitution of the United States has not pretended to confine either of the great departments of its government exclusively within its own limits. Both the senate and the house of representatives possess, and occasionally exercise, both judicial and executive powers, and the president has at all times a qualified negative upon legislation, and a judicial power of remission.

To complete the organization of the government by the institution of the chief executive departments and the establishment of judicial courts, was among the first duties of Congress. The constitution had provided that all the public functionaries of the Union, not only of the general but of all the state governments, should be under oath or affirmation for its support. The homage of religious faith was thus superadded to all the obligations of temporal law, to give it strength; and this confirmation of an appeal to the responsibilities of a future omnipotent judge, was in exact conformity with the whole tenor of the Declaration of Independence—guarded against abusive extension by a further provision, that no religious test should ever be required as a qualification to any office or public trust under the United States. The first act of the Congress, therefore, was to regulate and administer the oaths thus required by the Constitution.

The Constitution had already "*formed a more perfect union*" of the people of the United States ; but it was not yet consummated or completed. The people of Rhode Island had taken no part in the formation of the Constitution, and refused their sanction to it. They had virtually seceded from the Union. North Carolina had been represented in the Convention at Philadelphia, but her people had refused to ratify their constitutional act.

Recent events in our history, to which I wish to make no unnecessary allusion, but to which the rising generation of our country cannot and ought not to close their eyes, have brought again into discussion questions, which, at the period to which we are now reverting, were of the deepest and most vital interest to the continued existence of the Union itself. The question whether any one state of the Union had the right to secede from the confederacy at her pleasure, was then practically solved. The question of the right of the people of any one state, to nullify within her borders any legislative act of the general government, was involved in that of the right of secession, without, however, that most obnoxious feature of the modern doctrine of nullification and secession—the violation of the plighted faith of the nullifying or seceding state.

Rhode Island had not only neglected to comply with the requisitions of the confederation—Congress to supply the funds necessary to fulfil the public engagements ; but she alone had refused to invest the Congress with powers indispensable for raising such supplies. She had refused to join in the united effort to revivify the sus-

pendent animation of the confederacy, and she still defied the warning of her sister states, that if she persevered in this exercise of her sovereignty and independence, they would leave her alone in her glory, and take up their march in united column without her. North Carolina, not more remiss than her sister states in the fulfilment of her obligations, after joining them in the attempt to draw the bonds of union closer together by a new compact, still refused to ratify it, though recommended by the signature of her own delegates and under a similar admonition. Rhode Island and North Carolina still held back. The Union and Washington marched without them. Their right to secede was not contested. No unfriendly step to injure was taken ; no irritating measure to provoke them was proposed. The door was left open for them to return, whenever the proud and wayward spirit of state sovereignty should give way to the attractions of clearer-sighted self-interest and kindred sympathies. In the first acts of Congress they were treated as foreigners, but with reservations to them of the power to resume the national privileges with the national character, and when within two years they did return, without invitation or repulsion, they were received with open arms.

The questions of secession, or of resistance under state authority, against the execution of the laws of the Union within any state, can never again be presented under circumstances so favourable to the pretensions of the separate state, as they were at the organization of the Constitution of the United States. At that time

Rhode Island and North Carolina might justly have pleaded, that their sister states were bound to them by a compact into which they had voluntarily entered, with stipulations that it should undergo no alteration but by unanimous consent. That the Constitution was a confederate Union founded upon principles totally different, and to which not only they were at liberty to refuse their assent, but which all the other states combined, could not without a breach of their own faith establish among themselves, without the free consent of *all* the partners to the prior contract. That the confederation could not otherwise be dissolved, and that by adhering to it, they were only performing their own engagements with good faith, and claiming their own unquestionable rights.

The justification of the people of the eleven states, which had adopted the Constitution of the United States, and of that provision of the Constitution itself, which had prescribed that the ratification of nine states should suffice to absolve them from the bonds of the old confederation, and to establish the new Government as between themselves, was found in the *principles* of the Declaration of Independence. The confederation had failed to answer the purposes for which governments are instituted among men. Its powers or its impotence operated to the destruction of those ends, which it is the object of government to promote. The people, therefore—who had made it their own only by their acquiescence—acting under their responsibility to the Supreme Ruler of the universe, absolved them-

selves from the bonds of the old confederation, and bound themselves by the new and closer ties of the Constitution. In performing that act, they had felt the duty of obtaining the co-operation to it, of a majority of the whole people, by requiring the concurrence of majorities in nine out of the thirteen states, and they had neither prepared nor proposed any measure of compulsion, to draw the people of any of the possibly dissenting states into the new partnership, against their will. They passed upon the old confederation the same sentence, which they had pronounced in dissolving their connexion with the British nation, and they pledged their faith to each other anew, to a far closer and more intimate connexion.

It is admitted, it was admitted then, that the people of Rhode Island, and of North Carolina, were free to reject the new Constitution; but not that they could justly claim the continuance of the old Confederation. The law of political necessity, expounded by the judgment of the sovereign constituent people, responsible only to God, had abolished that. The people of Rhode Island, and of North Carolina, might dissent from the more perfect union, but they must acquiesce in the necessity of the separation.

Of that separation they soon felt the inconvenience to themselves, and rejoined the company from which they had strayed. The number of the primitive States has since doubled, by voluntary and earnest applications for admission. It has often been granted as a privilege and a favour. Sometimes delayed beyond

the time when it was justly due—and never declined by any one State entitled to demand it.

Yet the boundary line between the constitutional authority of the General Government, and that of the separate States, was not drawn in colours so distinct and clear, as to have escaped diversities of opinion, and grave and protracted controversy. While the people of distant lands, of foreign races, and of other tongues, have solicited admittance to the North American Union, and have been denied, more than once have serious and alarming collisions of conflicting jurisdiction arisen between the General Government, and those of the separate states, threatening the dissolution of the Union itself. The right of a single state, or of several of the states in combination together, to secede from the Union, the right of a single state, without seceding from the Union, to declare an act of the General Congress, a law of the United States, null and void, within the borders of that state, have both been at various times, and in different sections of the Union, directly asserted, fervently controverted, and attempted to be carried into execution. It once accomplished a change of the administration of the General Government, and then was laid aside. It has occasionally wasted itself in abortive projects of new confederacies, and has recently proceeded to the extremity of assembling a Convention of the people of one state in the Union, to declare a law of the United States unconstitutional, null, and void. But the law was nevertheless executed; and in this, as in other instances, a temporary turbulent resistance against the

lawful powers of Congress, under the banners of State sovereignty, and State rights, is now terminating in a more devoted adherence and willing subserviency to the authority of the Union.

This has been the result of the working of the Institution, and although now, as heretofore, it has been effected by means and in a manner so unforeseen and unexpected, as to baffle all human penetration, and to take reflection itself by surprise ; yet the uniformity of the result often repeated by the experience of half a century, has demonstrated the vast superiority of the Constitution of the United States over the Confederation, as a system of Government to control the temporary passions of the people, by the permanent curb of their own interest.

In the calm hours of self-possession, the right of a *State* to nullify an act of Congress, is too absurd for argument, and too odious for discussion. The right of a state to secede from the Union, is equally disowned by the principles of the Declaration of Independence. Nations acknowledge no judge between them upon earth, and their Governments from necessity, must in their intercourse with each other decide when the failure of one party to a contract to perform its obligations, absolves the other from the reciprocal fulfilment of his own. But this last of earthly powers is not necessary to the freedom or independence of states, connected together by the immediate action of the *people*, of whom they consist. To the people alone is there reserved, as well the dissolving, as the constituent pow-

er, and that power can be exercised by them only under the tie of conscience, binding them to the retributive justice of Heaven.

With these qualifications, we may admit the same right as vested in the *people* of every state in the Union, with reference to the General Government, which was exercised by the people of the United Colonies, with reference to the Supreme head of the British empire, of which they formed a part—and under these limitations, have the people of each state in the Union a right to secede from the confederated Union itself.

Thus stands the RIGHT. But the indissoluble link of union between the people of the several states of this confederated nation, is after all, not in the *right*, but in the *heart*. If the day should ever come, (may Heaven avert it,) when the affections of the people of these states shall be alienated from each other; when the fraternal spirit shall give away to cold indifference, or collisions of interest shall fester into hatred, the bands of political association will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the disunited states, to part in friendship from each other, than to be held together by constraint. Then will be the time for reverting to the precedents which occurred at the formation and adoption of the Constitution, to form again a more perfect union, by dissolving that which could no longer bind, and to leave the separated parts to be reunited by the law of political gravitation to the centre.

While the Constitution was thus accomplishing the first object declared by the people as their motive for ordaining it, by forming a more perfect union, it became the joint and co-ordinate duty of the legislative and executive departments, to provide for the second of those objects, which involved within itself all the rest, and indeed all the purposes of government. For justice, defined by the Institutes of Justinian, as the constant and perpetual will of securing to every one his *right*, includes the whole duty of man in the social institutions of society, toward his neighbour.

To the establishment of this JUSTICE, the joint and harmonious co-operation of the legislative and executive departments was required, and it was one of the providential incidents of the time, that this zealous and hearty co-operation had been secured, by that overruling and universal popularity with which the Chief Magistrate was inducted into his most arduous and responsible office.

It has perhaps never been duly remarked, that under the Constitution of the United States the powers of the executive department explicitly and emphatically concentrated in one person, are vastly more extensive and complicated than those of the legislative. The language of the instrument, in conferring legislative authority is, "*All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.*" But the executive trust it committed in unrestricted terms: "*THE executive power shall be vested*

in a President of the United States of America." The legislative powers of Congress are, therefore, limited to specific grants contained in the Constitution itself, all restricted on one side by the power of internal legislation within the separate States, and on the other, by the laws of nations, otherwise and more properly called the rights of war and peace, consisting of all the rules of intercourse between independent nations. These are not subject to the legislative authority of any one nation, and they are, therefore, not included within the powers of Congress. But *the* executive power vested in the President of the United States, confers upon him the power, and enjoins upon him the duty, of fulfilling all the duties and of exacting all the rights of the nation in her intercourse with all the other nations of the earth. The powers of *declaring* war, of *regulating* commerce, of *defining* and *punishing* piracies and felonies committed on the high seas, and *offences* AGAINST THE LAW OF NATIONS, are among the special grants to Congress, but over that law itself, thus expressly recognised, and all-comprehensive as it is, Congress has no alterative power. While *the* power of executing it, is conferred in unlimited terms upon the President of the United States.

The *exercise* of this more than dictatorial power is indeed controlled, first, by the participation of the Senate in the conclusion of treaties and appointments to office. Secondly, by the reservation of the discretionary power of the House of Representatives, to refuse the supplies necessary for the executive action. And

thirdly, by the power reserved to the house to impeach the President for mal-administration, and to the senate to try that impeachment, and sentence him to removal and to disqualification for official station for ever. These are great and salutary checks upon the abusive application of the granted power. But the power is not the less granted.

And herein was the greatest and most pernicious deficiency of the articles of confederation, most effectively supplied. The Congress of the confederation had no *executive* power. They could contract, but they could not perform. Hence it was impossible for them to establish justice in the intercourse of the nation with foreign states. They could neither exact the justice due to the country, nor fulfil the duties of justice to others, and this was the reason assigned by the British government for declining to regulate the commerce between the two countries by treaty.

The establishment of *justice* in the intercourse between the nation and foreign powers, was thus pre-eminently committed to the custody of one man, but that man was George Washington.

How far the establishment of justice, by the administration of the affairs of the nation, abroad and at home, was accomplished by the Constitution of the United States, can be estimated only by a review of the history of fifty years. For this, neither the time nor the limits within which this discourse must be circumscribed, will permit more than a rapid and imperfect summary.

The relations of the United States with the other pow-

ers of the world, were then slight and of trifling importance, in comparison with what they were destined to become. In their colonial state their commercial intercourse had been restricted almost exclusively to the mother-country's. Their political relations were only those of a subordinate dependance of a great empire.

The Declaration of Independence recognised the European law of nations, as practised among Christian nations, to be that by which they considered themselves bound, and of which they claimed the rights. This system is founded upon the principle, that the state of nature between men and between nations, is a state of peace. But there was a Mahometan law of nations, which considered the state of nature as a state of war — an Asiatic law of nations, which excluded all foreigners from admission within the territories of the state — a colonial law of nations, which excluded all foreigners from admission within the colonies — and a savage Indian law of nations, by which the Indian tribes within the bounds of the United States, were *under their protection*, though in a condition of undefined dependance upon the governments of the separate states. With all these different communities, the relations of the United States were from the time when they had become an independent nation, variously modified according to the operation of those various laws. It was the purpose of the Constitution of the United States to *establish justice* over them all.

The commercial and political relations of the Union with the Christian European nations, were principally

with Great Britain, France, and Spain, and considerably with the Netherlands and Portugal. With all these there was peace ; but with Britain and Spain, controversies involving the deepest interests and the very existence of the nation, were fermenting, and negotiations of the most humiliating character were pending, from which the helpless imbecility of the confederation afforded no prospect of relief. With the other European states there was scarcely any intercourse. The Baltic was an unknown sea to our navigators, and all the rich and classical regions of the Mediterranean were interdicted to the commercial enterprise of our merchants, and the dauntless skill of our mariners, by the Mahometan merciless warfare of the Barbary powers. Scarcely had the peace of our independence been concluded, when three of our merchant-vessels had been captured by the corsairs of Algiers, and their crews, citizens of the Union, had been pining for years in slavery, appealing to their country for redemption, in vain. Nor was this all. By the operation of this state of things, all the shores of the Black sea, of the whole Mediterranean, of the islands on the African coast, of the southern ports of France, of all Spain and of Portugal, were closed against our commerce, as if they had been hermetically sealed ; while Britain, everywhere our rival and competitor was counteracting by every stimulant within her power every attempt on our part to compound by tribute with the Barbarian for peace.

Great Britain had also excluded us from all commerce in our own vessels with her colonies, and France,

notwithstanding her alliance with us during the war, had after the conclusion of the peace adopted the same policy. She was jealous of our aggrandizement, fearful of our principles, linked with Spain in the project of debarring us from the navigation of the Mississippi, and settled in the determination to shackle us in the development of the gigantic powers which, with insidious sagacity, she foresaw might be abused.

Notwithstanding all these discouragements, the inextinguishable spirit of freedom, which had carried your forefathers through the exterminating war of the Revolution, was yet unsuppressed. At the very time when the nerveless confederacy could neither protect nor redeem their sailors from Algerine captivity, the floating city of the *Tahoe* beheld the stripes and stars of the Union, opening to the breeze from a schooner of thirty tons, and inquired where was the ship of which that frail fabric was doubtless the tender. The Southern ocean was still vexed with the harpoons of their whalers; but Britain excluded their oil, by prohibitory duties and the navigation act, from her markets, and the more indulgent liberality of France would consent to the illumination of her cities by the quakers of Nantucket, only upon condition that they should forsake their native island, and become the naturalized denizens of Dunkirk.

In the same year, when the Convention at Philadelphia was occupied in preparing the Constitution of the United States for the consideration of the people, two vessels, called the *Columbia* and the *Washington*, fitted out by a company of merchants at Boston, sailed upon

a voyage combining the circumnavigation of the globe, discovery upon the shores of the Pacific ocean, and the trade with the savages of the Sandwich Islands, and with the celestial empire of China, all in one undertaking. The result of this voyage was the discovery of the Columbia river, so named from the ship which first entered within her capes, since unjustly confounded with the fabulous Oregon or river of the West, but really securing to the United States the right of prior discovery, and laying the foundation of the right of extension of our territory from the Atlantic to the Pacific ocean.

All this however was but the development of national character in the form of private enterprise. The foreign affairs of the Union when President Washington assumed the administration of *the* executive power, were in a state of chaos, out of which an orderly and harmonious world was to be educed.

In conferring *the* executive power upon the President of the United States, the Constitution had left its subordinate organization partly to the discretion of Congress. It had spoken of *heads* and chief officers of the executive departments, but without defining their offices, or prescribing their functions. Under the Revolutionary Congress, the executive power, such as it was, had been exercised by committees of their own body. Under the confederation Congress, by Secretaries of Foreign Affairs and of War, and successively by a single financier, and by a board of Commissioners of the Treasury.

The first Constitutional Congress, in the true spirit of the Constitution itself, instituted three executive departments, each with a single head, under the denomination of Secretaries of Foreign Affairs, of the Treasury, and of War. There was no Home Department, a deficiency which has not yet been supplied—but on reconsideration, the first Congress at their first session, combined the duties of the Home Department with those of Foreign Affairs, by substituting a Department and Secretary of State in the place of a Department and Secretary of Foreign Affairs. There was no navy—not so much as a barge—and of course no Navy Department, or Secretary of the Navy. That was to be created, and the Department was instituted in the second year of the succeeding administration.

In the interval, until the organization of the new departments, the Secretaries of Foreign Affairs and of War, of the confederation Congress, continued by order of President Washington to execute the duties of their respective offices.

During the first Congress also, the Judiciary Department was organized by the establishment of a Supreme Circuit, and District Courts. The Ordinance for the government of the Northwestern Territory was adapted to the newly constituted Government, as was the establishment of the Post Office.

In the erection of the Executive Departments a question arose, and was debated with great earnestness and pertinacity, in both houses of Congress, the de-

cision upon which, in perfect conformity with the spirit of the Constitution, settled the character of that instrument as it has continued to this day. The Constitution had prescribed that the President should *nominate*, and by and with the advice and consent of the Senate, should *appoint*, all the officers of the United States, with the exception that Congress might by law vest the appointment of such inferior officers as they should think proper in the President alone, in the courts of law, or in the heads of departments. The Constitution had also provided, that the President should commission *all* the officers of the United States—and that the judges both of the supreme and inferior courts should hold their offices during good behaviour. But it had prescribed no term of duration to executive offices, civil or military, nor how, nor by whom, nor for what, they should be removable from office. The institution of the first Executive Department gave rise to that question. After a long and able discussion, it was ultimately settled, that by the investment of the executive power in the President, and the duty imposed upon him to take care that the laws should be faithfully executed, the discretionary power of removing all subordinate executive offices must necessarily be vested in him; and the law was accordingly so expressed. It must be admitted that this, like all other discretionary powers, is susceptible of great abuse—but while exercised as it always must be, under the powerful influence of public opinion, its abuse cannot be so pernicious to the welfare of the community, as would be

a tenure of ministerial office, independent of the superior, responsible for its faithful execution.

Another, and perhaps a still more important *character* was given by President Washington to the government of the United States, in all their relations with foreign powers, by the principle which he assumed, and the example which he set to his successors, of referring the ministers from foreign powers, to the head of the Department of State, for all direct negotiations with which they might be charged by their governments.

The Count de Moustier happened at that time to be the Minister of France to the United States. He had been appointed by the unfortunate Louis XVI., in the last days of his absolute power. A spark, emitted from the self-evident truths of the Declaration of Independence, had fallen into the powder-magazine of monarchy, and inexpressibly terrible was the explosion about to ensue. Among the last evidences of the anti-republican spirit of the Bourbon dynasty, was an effort of this plenipotentiary minister to degrade the Chief Magistrate of the newly constituted Republic to an official level with himself, a minister of the second rank, commissioned by an European king. Immediately after the inauguration of President Washington, the Count de Moustier addressed a note directly to him, requesting a personal interview. On receiving for answer that the Secretary for Foreign Affairs was the officer with whom his official communications should still be held, he persisted in his application for

a personal conference with the President, who uniting firmness of purpose with undeviating courtesy of forms, indulgently granted his request. He received the Count in a private interview, and listened for an hour to an argument, fortified by a *confidential* private letter which the royal envoy had the assurance to deliver to him, in which, under the base pretension of a supposed unfriendly disposition of the Secretary of Foreign Affairs towards France, he urged the adoption of a practice of direct inter-communication between the President of the United States and himself, in all his diplomatic negotiations, without the intervention of any third person whomsoever.

With a perfect preservation of patience and of good humour, the President answered his reasoning and referred him again for his future official transactions to the Secretary of Foreign Affairs, who, he assured him, entertained no feelings towards France but such as would render entire justice to her rights and her representative. The Count de Moustier fell back into his proper station, and very soon after was recalled by his master, and had his place supplied by the representative of another shade in the transition of France from an arbitrary monarchy to a portentous and short-lived nominal democracy.

The pretension, that the President of the United States was to be considered by the ministers of foreign nations, not as the chief magistrate of the country, but as ranking as a minister of state, subordinate to the sovereign in European governments, was not confined to the

Count de Moustier. It was afterward reproduced in still more offensive form, by the first minister from France in her republican transformation. It was then again repelled and finally withdrawn. Since then the President of the United States, in their intercourse with foreign nations represents them as their chief, and the ministers of foreign powers negotiate with the Secretary of State under his direction, and instructions.

At the same time, President Washington fully understood that by the investment of *the* executive power, he was authorized to enter directly into negociation with foreign nations, formally or informally, through the department of State, or by agents privately accredited by himself at his discretion. The state of the public relations of Great Britain was then such as rendered it proper for him to resume the political intercourse with her government, in the direct, personal, and informal, rather than the regular official manner. Shortly after the conclusion of the peace of independence, the confederation-Congress had appointed a minister plenipotentiary to Great Britain, and had authorized a treaty of commerce on the most liberal terms, to be negotiated with her. The minister had been graciously received ; but mutual reproaches, too well founded on both sides, of a failure to fulfil the stipulations of the treaty of peace, had left a rankling of animosity on both sides. The British government had declined to conclude a commercial treaty, while the engagements of the treaty of peace remained unfulfilled ; and the impotence of the confederation-Congress disabled them from the fulfil-

ment of the stipulations on our part — particularly with regard to debts, the payment of which had been suspended by the Revolutionary war. After a fruitless mission of three years, the minister of the United States had returned home, and no minister from Great Britain had been accredited to the Congress in return. Immediately after the close of the first session of the first constitutional Congress, during which the judicial department of the government had been organized, and John Jay, the Secretary of Foreign Affairs to the preceding Congress, appointed Chief Justice of the United States, and before Thomas Jefferson, appointed Secretary of State in his absence, had repaired to his post, President Washington, on the 13th of October, 1789, wrote two letters to Gouverneur Morris, then in France, but recently before, a member of the Philadelphia Convention which had formed the Constitution, and at an earlier date, a member of the confederation-Congress. One of these letters was to serve him as a credential to hold conferences with the cabinet ministry of Great Britain, and the other a letter of instructions upon the topics to be discussed with them.

The glance of a moment at the relative position of the two countries at that time, will disclose to an attentive observer the peculiar propriety of the mode adopted by President Washington, and of the selection of the agent for entering upon this negotiation. It will serve also to illustrate the wisdom of the extensive grant of *the* executive power in the Constitution of the United States, to a single hand. The self-respect of

the nation would have been humiliated in the eyes of the world, by the public and formal appointment of a second minister, after the return home of the first, without the reciprocation of courtesy by the appointment of a minister from Great Britain to the United States. There was no diplomatic intercourse between the two countries ; yet there were great interests involving the peace between them, and urgently calling for adjustment. The commercial intercourse between them was very considerable ; but for want of a countervailing power of regulation on our part, it was left at the mercy of the orders of the British king in council, the predominating spirit of which influenced by the loyalist refugees of the Revolution, was envious, acrimonious, and vindictive. The forts on the Canadian lakes, the keys to our western territories, and the stimulants to savage warfare, were withheld, in violation of the treaty of peace ; while by the institution of the judicial courts of the Union, the door was open for the recovery of British debts, and the pretext for the detention of the posts was removed. It was necessary to advise the British government of the change which had been effected in our national institutions, and of the duty of the new government to exact justice from foreign nations, while ready to dispense it on the part of the nation to them. Yet, as peace was of all external blessings, that of which our country at that juncture most needed the continuance, it was a dictate of prudence to take no hasty public step which might commit the honour of the country and complicate the entanglement from which she was to be extricated.

Mr. Morris was a distinguished citizen of the United States, already in Europe—well known in England, where he had relatives in the royal service. He had been an active member of the Convention which had formed the Constitution—a secret mission committed to him would attract no premature public notice by any personal movement on his part, and whatever the result of it might be, the government of the United States itself would be uncommitted in the eyes of the world, and free to pursue such further course, as justice might require, and policy might recommend.

Mr. Morris executed his trust with faithfulness and ability. In personal conference with the Duke of Leeds, then the British Secretary of State for Foreign Affairs, and with William Pitt, first Lord of the Treasury and Chancellor of the Exchequer, and by correspondence with the former, he made known to the British government the feelings, purposes, and expectations of the newly organized government of the United States with regard to Great Britain—and he ascertained the dispositions, the doubts and the reluctances of the British cabinet toward the United States. They still declined the negotiation of a treaty of commerce. They parried, by counter-complaint of the non-execution of the treaty of peace, the demand for the surrender of the western posts—but they promised, with no small hesitation, some supercilious courtesy and awkward apologies for delay, the appointment of a Minister to the United States.

This negotiation occupied more than one year of

time—and in February, 1791, just before the expiration of the first Constitutional Congress, President Washington communicated to the Senate in secret session the fact of its existence, and the correspondence by which it had been conducted. In the Message transmitting these documents to the Senate, he said: “I have *thought it proper* to give you this information, as it might *at some time* have influence on matters under your consideration.”

While the negotiation was in progress, a controversy respecting the northeastern boundary of the United States bordering upon the British provinces, then confined to the question of what river had been intended in the treaty of peace, by the name of the St. Croix, was kindling a border war, and complicating the difficulties to be adjusted by negotiation.

In the summer of 1791, the promised Minister Plenipotentiary from Great Britain to the United States, was sent in the person of Mr. George Hammond, who had been the secretary to David Hartley, in the negotiation of the definitive treaty of peace in 1783. Mr. Hammond however had only powers to negotiate, but not to conclude—to complain, but not to adjust—to receive propositions, but not to accept them. With him a full discussion was had of all the causes of complaint subsisting between the parties. In the meantime a change had come over the whole political system of Europe. The principles proclaimed in the Declaration of Independence, as at the foundation of all lawful government, had been sapping the founda-

tions of all the governments founded on the unlimited sovereignty of force—the absolute monarchy of France was crumbling into ruin ; a wild and ferocious anarchy, under the banners of unbridled Democracy was taking its place, and between the furies of this frantic multitude, and the agonies of immemorial despotism, a war of desolation and destruction was sweeping over the whole continent of Europe. In this war all the sympathies of the American people were on the side of France and of freedom, but the freedom of France was not of the genuine breed. A phantom of more than gigantic form had assumed the mask and the garb of freedom, and substituted for the principles of the Declaration of Independence, anarchy within and conquest without. The revolution of the whole world was her war-cry, and the overthrow of all established governments her avowed purpose.

Under the impulses of this fiend, France had plunged into war with all Europe, and murdered her king, his queen, his sister, and numberless of his subjects and partisans, with or without the forms of law, by the butchery of mock tribunals, or the daggers of a blood-thirsty rabble. In this death-struggle between inveterate abuse and hurly-burly innovation, it is perhaps impossible even now to say which party had been the first aggressor ; but France had been first invaded by the combined forces of Austria and Prussia, and under banners of Liberty, Equality, Fraternity, had become an armed nation to expel them from her borders. The partialities of the American people still sympathized

with France. They saw that her cause was the cause of national independence. They believed her professions of liberty, equality, and fraternity; and when the same Convention which had declared France a republic, and deposed and put to death her king, declared war against the kings of Great Britain and Spain, shocked as they were at the merciless extermination of their ancient great and good ally, they still favoured at heart the cause of France, especially when in conflict under the three-coloured banners of liberty, equality, fraternity, with their ancient common enemy of the Revolutionary war, the British king, and with their more recent, but scarcely less obnoxious foe, the king of Spain.

At the breaking out of this war, Washington and his administration, and with them, the Constitution, and peace and existence of the Union, were brought into a new, critical, and most perilous position. From the very day of his inauguration, notwithstanding his unparalleled personal popularity, a great, active, and powerful opposition to his administration had arisen, consisting at first almost universally of the party which had opposed the adoption of the Constitution itself—then known by the name of anti-federalists. The most plausible and the most popular of all the objections to the Constitution, had been the accumulation of power in the office of the President. His exercise of those powers was watched with a jealous and suspicious eye—trifles lighter than air in his personal deportment and his domestic establishment, were treasured up, and doled out in whispers and surmises, that he was affecting the state, and adopt-

ing the forms of a monarchy, and when this war between the new-born republic of France, and our old tyrant, George the Third, blazed out, the party opposed to Washington's administration, seized upon it, to embarrass and counteract his policy, by arraying the passions of the people, their ardent love of liberty, the generous feeling of their national gratitude, their still rankling resentments against the beldame step-mother Britain, and their soreness under the prevaricating chicanery of Spain, at once in favour of France and against Washington.

The treaty of alliance with France, of 6th February, 1778, had stipulated, on the part of the United States, a guarantee to *the king of France* of the possessions of *the crown of France* in America — and one of the first incidents of the war of republican France with Britain, was a British expedition against the French colonies in the West Indies.

By the laws of nations, the duty of the United States in this war was *neutrality* — and their rights were those of neutrality. Their unquestionable policy and their vital interest was also neutrality. But the maintenance of the rights, depended upon the strict performance of the *duties* of neutrality.

A grave question immediately presented itself, whether the guarantee of the French possessions in America to the king and crown of France in 1778, was so binding upon the United States, as to require them to make good that guarantee to the French republic by joining her in the war against Great Britain.

The neutrality of the United States was in the most imminent danger. The war between France and Britain, and Spain and the Netherlands, was a maritime war. In the spasms of the Revolutionary convulsion, the new republic had sent to the United States an incendiary minister, with a formal declaration, that they *did not* claim the execution of the guarantee in the treaty of 1778, but stocked with commissions for a military expedition against the Spanish territories on our western borders, and for privateers to be fitted out in our ports, and to cruize against all the nations with which France was at war.

All the daring enterprise, the unscrupulous ambition, the rapacious avarice floating in the atmosphere of this Union, were gathering to a head, and enlisting in this cause of republican France. The commissions for the military expedition against Louisiana, were distributed with so little secrecy, that the whole conspiracy was soon detected, exposed, and defeated. But the privateering commissions were accepted in many of our seaports, and citizens of the United States sallied forth from their harbours, under the shelter of neutrality, in vessels, built, armed, equipped, and owned there, against the defenceless commerce of friendly nations, and returned in three days, laden with their spoils, under the uniform of the French republic, her three-coloured cockade, and her watchwords of liberty, equality, and fraternity — transformed into French citizens, by the plenipotentiary diploma, and disposing of their plunder under the usurped jurisdiction of a French republican consul.

At this crisis Washington submitted to his confidential advisers, the heads of the Executive Departments, a series of questions, involving the permanent system of policy, to be pursued for the preservation of the peace, and the fulfilment of the duties of the nation in this new and difficult position. The measure immediately contemplated by him as urgently required, was the issuing a proclamation declaring the *neutrality* of the United States in the war, just-kindled in Europe; but the obligation of the treaties with France, and particularly that of the guarantee, were specially involved in the propriety and the particular purport of the proclamation. On this occasion, a radical difference of opinion equally dividing the four members of the administration, not upon the expediency of the proclamation, but upon the contingent obligation of the guarantee, aggravated intensely the embarrassments and difficulties which the temperance, the fortitude, and the good fortune of Washington were destined to encounter and to surmount.

The conduct of Great Britain, the leading party to the war with republican France, served only to multiply and to sharpen the obstructions with which his path was beset, and the perplexities of his situation. In the origin of the war, the first fountains of human society had been disturbed and poisoned. The French Convention had issued a decree, stimulating the people of all the countries around her to rebellion against their own governments, with a promise of the support of France. They had threatened an invasion of En-

gland, in the name of liberty, equality, and fraternity, to fraternize with the people of the British Islands in a revolt against their king; and strange and incredible as it may sound in your ears, there were elements within the bosoms of the British islands, of no inconsiderable magnitude, prepared to join and assist the threatened invader in this unhallowed purpose. A decree of the National Convention had forbidden their armies to make any prisoners in battle with their foes, or in other words to give quarters to the vanquished in arms. The mass of the British nation was exasperated to madness; and their government deliberately determined, that such an enemy was not entitled to the ordinary mitigations of war: that France had put herself out of the pale of civilized nations, and that no commerce of neutral nations with her was to be tolerated. Besides and yet more unjustifiable than this, from the very commencement of the war, the British government had indulged their naval officers in the outrageous and atrocious practice of impressing *men* from the vessels of the United States upon the high seas—claiming it against the principles of her own Constitution no less than against the principles of the Declaration of Independence, as a *right* with regard to her own subjects, and leaving the question of *fact*, whether the impressed seaman was or was not a British subject, to the irresponsible discretion or caprice of every midshipman in her navy. The practice was not less provoking, than the pretension was insolent and unjust. The capture by a naval armament from Great Britain,

of several French islands in the West Indies, gave occasion to another conflict of belligerent pretensions and neutral rights. During the peace that followed the war of the American Revolution, France under the usual maxims of European Colonial policy, had confined the commerce of her American possessions to herself. When the war came, her own merchant-vessels were excluded by the British maritime supremacy from the navigation of the ocean. The French islands were then opened to the neutral commerce, and hence it was that the French Executive Council forbore to claim the guarantee stipulated by the treaty of 1778—aware that the neutral commerce of the United States would be more useful to the islands, than any assistance that we could give for their defence against Great Britain by war. Upon the opening of the islands, numerous vessels of the United States crowded into their ports, for the enjoyment not only of a profitable direct trade, but to be freighted for the direct commerce between the Colonies and France herself. The commanders of the British maritime expedition broke up this trade, and captured every vessel engaged in it upon which they could lay their hands, whether in ports which surrendered to their arms, or upon the high seas.

The temperature of the public mind in calm and quiet times, is like the climate of the lofty table-lands of the equator, a perpetual spring. Such are the times in which we live, and were it not for the distant vision of a Chimborazo with eternal sunshine over its

head, and eternal frost upon its brow, or of a neighbouring *Ætna* or *Vesuvius* bursting from time to time with subterranean fires, and pouring down from their summits floods of liquid lava, to spread ruin and destruction over the vales below, elementary snows and boiling water-courses would be objects scarcely within the limits of human conception. At such times, imagination in her wildest vagaries can scarcely conceive the transformations of temper, the obliquities of intellect, the perversions of moral principle effected by junctures of high and general excitement. Many of you, gentlemen, have known the Republican plenipotentiary of whom I have here spoken, settled down into a plain Republican farmer of your own state, of placid humour, of peaceable demeanour, addicted to profound contemplation, passing a long life in philosophical retirement, devising ingenious mechanical inventions, far from all the successive convulsions of his native land, and closing a useful career as a citizen of this his adopted country. Who of you could imagine, that this was the same man, who at the period which I am recalling to your memory, was a *Phaeton*, grasping at the reins of the chariot of the Sun to set the world on fire. Who could imagine, that coming with words of liberty, equality, fraternity, of generous friendship and disinterested benevolence upon his lips, he had brought with him like *Albaroni*, a torch to set fire to all the mines. His correspondence with the government of Washington, is recorded upon the annals of our country. Our time will admit but of a transient

allusion to it. You remember the frank and dignified candour with which he was received by Washington himself; the warm-hearted enthusiasm with which, as the representative of the new sister Republic, he was welcomed by the people; and the wanton, lascivious courtship of the faction opposed to Washington—congenial spirits to the cannibals, then in the name of Democracy ruling in France—blistering him up into open defiance, and an appeal against Washington himself, **TO THE PEOPLE.**

His recall was at length demanded. His violence was turning the current of popular opinion here against his country. The party which had despatched him from France was annihilated. The heads of his patrons had passed under the edge of the guillotine. Their successors disavowed his conduct and recalled him. In self-vindication he published his instructions, disclosing the secrets both of monarchical and republican France, dampers to the affectionate gratitude of the American people, and he renounced his country for ever.

The party opposed to the administration of Washington, saw nothing in France but the republic of liberty, equality, and fraternity. Like the mass of the French people themselves, they followed with obsequious approbation every resolution by which an armed detachment of Democracy from the Fauxbourg Saint Antoine, swept away one set of rulers after another, and smothered them in their own blood. The Brissotine, the Dantonian, the Robespierrian factions

crowded each other to the guillotine with the fury of uncaged tigers, and the accession of a popular chief-tain to the summit of power was the signal of his proscription and murder by that national razor. At every exhibition of this horrid scene, the Parisian rabble shouted applause, and clapped their hands for joy—and every shout and every clapping of hands was re-echoed from these western shores of the Atlantic, by the opposition to the administration of Washington. With this wilfully blind devotion to France, was necessarily associated, a bitter and malignant hatred of Britain; inflamed by the wrongs which she was inflicting upon our commerce and seamen, and ulcerated by the tone of her negotiator here in the discussion of the long standing mutual complaints, which he had yet not been authorized by his government to compromise or to settle.

In the spring of the year 1794, the sixth year of Washington's administration, this congregating mass of evil humours was drawing to a head. The national feeling against Britain was irritated to the highest pitch of excitement. Resolutions looking and tending directly to war, were introduced and pending in the House of Representatives of the United States, and that war in all human probability would have been fatal to the fame of Washington, and to the independence of the Union and the freedom of his country. At that moment he fixed his eyes, with calm and considerate firmness at once upon James Munroe, as a messenger of peace, of conciliation, and of friendship

to the Republic of France ; and upon John Jay, as an envoy extraordinary, bearer of the same disposition, and interpreter of the same spirit to Great Britain. They were despatched at the same time with instructions concerted in one system, and diversified to meet the exigencies of the two respective missions.

Mr. Monroe was at that time a member of the Senate of the United States, from Virginia—a soldier of the Revolution, in the service of which he had passed from youth to manhood with distinguished honour. Personally attached to Washington, he had been a moderate opponent to the adoption of the Constitution, and although adverse to some of the leading measures of the administration, and partially favourable to the cause of France, the confidence of Washington in his abilities and in his personal integrity made his political propensities rather a recommendation, than an objection to his appointment.

Mr. Jay was then Chief Justice of the United States. And how shall I dare to speak to YOU of a native of your own state, and one of the brightest ornaments not only of your state, but of his country, and of human nature. At the dawn of manhood he had been one of the delegates from the *people* of New York, at the first continental Congress of 1774. In the course of the Revolutionary War, he had been successively President of Congress, one of their ministers in Europe—one of the negotiators of the preliminary and definitive treaties of peace, and Secretary of Foreign Affairs to the Confederation Congress, till the transition to the

constitutional government, and at the organization of the judicial tribunals of the Union, was placed with the unanimous sanction of the public voice, at their head. With this thickening crowd of honours gathering around him as he trod the path of life, he possessed with a perfectly self-controlled ambition, a fervently pious, meek and quiet, but firm and determined spirit. As one of the authors of the *Federalist*, and by official and personal influence as Secretary of Foreign Affairs, and as a most respected citizen of New York, he had contributed essentially to the adoption of the Constitution: and his administration of the highly responsible office of chief justice, had given universal satisfaction to the friends of Washington's administration, and to all who desired the practical operation of the Constitution conformably to the spirit in which it had been ordained by the people. He had no European partialities, and least of all for England; but he was for dispensing equal justice to all mankind, and he felt the necessity of peace for the stability of the Constitution, and the preservation of the Union.

His negotiation terminated in a treaty, the ratification of which brought on the severest trial, which the character of Washington and the fortunes of our nation have ever passed through. No period of the war of independence, no other emergency of our history since its close, not even the ordeal of establishing the Constitution of the United States itself, has convulsed to its inmost fibres, the political association of the North American people, with such excruciating agonies as the consummation and fulfilment of this great national

composition of the conflicting rights, interests and pretensions of our country and of Great Britain. The party strife in which it originated and to which it gave birth is not yet appeased. From this trial, Washington himself, his fame, the peace, union and prosperity of his country, have issued triumphant and secure. But it prepared the way for the reversal of some of the principles of his administration, and for the introduction of another and widely different system six years after, in the person of Thomas Jefferson.

The treaty concluded by Mr. Jay, with the exception of one article, which the British government readily consented to relinquish, was ratified. The peace, the union, the prosperity, the freedom of the nation, were secured; but revolutionary France, and the opposition to Washington's administration, were defeated, disconcerted, disabled, but not subdued. The rabble government of the fauxbourg St. Antoine was passing away. The atheism of the strumpet goddess of reason, had already yielded to a solemn decree of the national Convention, proposed by Robespierre himself, in the name of the people of France, acknowledging — the existence of a God! a worm of the dust, recognising as a co-ordinate power — the Creator of all worlds. The counter revolution had advanced a step further. A constitutional republic, with a legislature in two branches, and a plural executive, had succeeded to the despotism of a single assembly, with a jacobin club executive. France had now a five-headed executive Directory, and a new union of church and state, with a new theo-philanthropic

religion, halfway between simple Deism and Christianity. And republican France had now another element in her composition. A youthful soldier by the name of Napoleon Bonaparte, who by the election of the whole people of France, with the help of his holiness the Pope, and the iron crown of Lombardy, was destined at no distant day to restore the Christian calendar and Sabbath for the godless decimal division of time of Fabre d'Eglantine, and to ascend a double carpeted throne of emperor and king. Through all these varying phases of the French Revolution, the party opposed to Washington's administration still clung in affection and in policy to France, and when by the election of Mr. Jefferson as President of the United States, that party came into power, it was precisely the moment when Napoleon at the head of his brave grenadiers had expelled the two legislative councils from their halls, had turned out the theo-philanthropic Directory from their palace; and under the very republican name of first of three consuls, was marching with fixed eye and steady step to the consulate for life, to the hereditary imperial throne, and to the kingdom of the iron crown. To all those transmutations the pure republicanism of Jefferson was to accommodate itself without blench and without discarding his partiality for France. Nor was it to fail of its reward, in the acquisition of Louisiana—a measure, not embraced or foreseen by the administration of Washington, accomplished by a flagrant violation of the Constitution, but sanctioned by the acquiescence of the people, and if not eventually

leading to the dissolution of the Union, shaped by the healing and beneficent hand of Providence from a portentous evil into a national blessing.

The consequences of *that* revolution in our Union (for it was nothing less) are not yet fully developed — far otherwise. But whether for weal or wo—for the permanent aggrandizement, or the final ruin of our confederated nation, it belongs to the memory of Jefferson, and not to that of Washington or his administration. Hitherto it has exhibited its fairest side. It has enlarged our borders and given us the whole valley of the Mississippi. The pernicious and corrupting example of an undissembled admitted prostration of the Constitution—the more concealed, but not less real displacement of the internal sectional balance of power—have not yet borne their fruits. Upon the opening of Pandora's box, Hope was left behind. Hitherto no seed of deadly aconite has generated into pestilential poison. Let us rejoice at the past and hope for the future. But in leaving to the judgment of after-time, the ultimate decision of that which we see as yet but in part, and through a glass darkly, let us look back to the principles of Washington and his administration, and to the unbroken faith of the Constitution, for the source of that prosperity which no variation of seasons can wither, and that happiness which no reverse of fortune can turn into bitter disappointment.

The ratification of Mr. Jay's treaty was the establishment of *justice* in our national intercourse with Great Britain. But it was deeply resented by all the parties

which successively wielded the power of France. Victorious in the midst of all their internal convulsions over all the continent of Europe, they were unable to cope with the naval power of Britain upon the sea. Although Mr. Jay's treaty had expressly reserved all the obligations of the United States in previously existing treaties with other nations; France complained, that it had conceded the long-contested principle of protecting the cargo of an enemy with the flag of the friend—that it had enlarged the list of articles of contraband; and even while claiming the exemption of provisions from that list, had by stipulating the payment for them when taken, admitted by implication the right of taking them. A long and irritating discussion of these complaints ensued between the American Secretary of State, and the successive Plenipotentiaries of France, and between the French Ministers of Foreign Affairs, and Mr. Monroe. The opposition to Washington's administration, strengthened by the unpopularity of Mr. Jay's treaty, had acquired an ascendancy in the House of Representatives; countenanced and justified every reproach of France; and made a persevering and desperate effort to refuse the means and the supplies for carrying the treaty into execution, even after it had been ratified.

After a long and doubtful struggle, in the course of which the documents of the negotiation, called for by the House of Representatives, were refused by Washington, the House by a bare majority voted the supplies. The treaty was carried faithfully into execu-

tion, and *justice* was established in the relations between the United States and Great Britain.

The last act of the confederation Congress had been to refer over to the new government the negotiations with Spain, especially for the free navigation of the Mississippi. These were immediately taken up, and transferred from the seat of government of the United States to Spain. Two commissioners were appointed to negotiate with the Spanish government at Madrid, who prepared the way for the treaty of San Lorenzo, concluded on the 27th of October, 1795, by Thomas Pinckney, Minister Plenipotentiary from the United States, and the Prince of the Peace, then the Minister of Spain for Foreign Affairs. This treaty secured to the people of the United States, the free navigation of the Mississippi, and a port of deposit at New Orleans—and politically considered as a part of the comprehensive system of Washington's policy, was at once a sequel to the treaty of 19th November, with Great Britain, and a precursor to the treaty for the acquisition of Louisiana with France.

In the accomplishment of these objects, the principal agent of the nation had been *the* Executive power, vested in Washington as President of the United States. But the justice for the establishment of which the Constitution of the United States had been ordained, was required at home as well as abroad, and for this it was the peculiar province of the Legislature to provide.

The first attention due from that body was to the

public creditors of the country, and the first measure to be adopted was the raising of a revenue to satisfy their righteous claims. On the 8th of April, immediately after the organization of the two Houses, and before the President of the United States had been notified of his election, Mr. Madison introduced into the committee of the whole House of Representatives a proposition for levying duties of impost. The remarks with which he submitted this proposal, so explicitly indicative of this purpose of establishing justice, that I cannot forbear to repeat the first sentences of them in his own words:—

“I take the liberty, Mr. Chairman,” said he, “at this early stage of the business, to introduce to the committee a subject which appears to me to be of the greatest magnitude; a subject, Sir, that requires our first attention, and our united exertions.

“No gentleman here can be unacquainted with the numerous *claims upon our justice*; nor with the impotency which prevented the late Congress of the United States, from carrying into effect the dictates of gratitude and policy.

“The Union by the establishment of a more effective government, having recovered from the state of imbecility that heretofore prevented a performance of its duty, ought in its first act to revive those principles of honour and honesty, that have too long lain dormant.

“The deficiency in our treasury has been too notorious to make it necessary for me to animadvert upon that subject. Let us content ourselves with endeavouring

to remedy the evil. To do this, a national revenue must be obtained ; but the system must be such a one, that, while it secures the object of revenue, it shall not be oppressive to our constituents. Happy it is for us that such a system is within our power ; for I apprehend, that both these objects may be obtained from an impost on articles imported into the United States."

And thus was laid the foundation of the revenues of the Union ; and with them the means of paying their debts and of providing for their common defence and general welfare. The act of Congress framed upon this proposal, received the sanction of Washington on the 4th of July, in the first year of his administration. It stands the second on the statute book of the United States, immediately after that which binds all the officers of the Union to the support of the Constitution, by the solemnities of an appeal to God, and declares in a brief preamble, the necessity of its enactment, "for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures."

With the act for laying duties of impost, there was associated another, imposing duties of tonnage on ships, in which to encourage the shipping and ship-building interest, a double discrimination was made between ships built in the United States and belonging to their citizens, ships built in the United States, belonging to foreigners, and ships foreign built and owned. The duty upon the first of these classes being six, on the second thirty, and on the third fifty cents a

ton. The same discriminating principle favourable to the navigation of the United States, was observed in every part of the Act for levying duties of impost.

An Act for regulating the *collection* of these duties, with the establishment of ports of entry and delivery, and for the appointment of officers of the customs throughout the United States: an Act for the establishment and support of light-houses, beacons, buoys, and public piers; and an Act for regulating the coasting-trade, completed the system for raising a revenue.

Thus the organization of the government, conformably to the new constitution, and to give it practical operation, was effected at the first session of the first Constitutional Congress, between the 4th of March, and the 29th of September, 1789. A comprehensive and efficient system of revenue—a graduation of judicial tribunals, inferior and supreme—the Departments of State, of the Treasury, and of War—a temporary establishment of the Post Office, provisions for the negotiation of treaties with the Indian tribes; for the adaptation to the new order of things, of the ordinance for the government of the northwestern Territory, and of the shadow of a military establishment then existing; for fixing the compensation of the President and Vice President, the members of Congress, and of all the officers of the United States, judicial and executive—and for the payment of invalid pensions, were all effected within that time. Twelve Amendments to the Constitution, to serve as a substitute for the omission of a Declaration of Rights, were agreed to by a

majority of two thirds of the members present of both Houses, and transmitted to the Legislatures of the several states—ten of those Amendments were adopted by three fourths of the state Legislatures, and became parts of the Constitution—only two other Amendments have since obtained the same sanction. An Act of appropriation for the service of the year 1789, amounting to six hundred and thirty-nine thousand dollars, with twenty thousand more for negotiating Indian treaties, defrayed all the expenses of the year; and if compared with the thirty-six millions and upward, appropriated at the session of Congress recently expired, for the service of the year 1839, may give a pregnant exemplification in the science of political economy, of the contrast between the day of small things, and the present: an inversion of the microscope might present a comparison between the *results* of the former and the latter appropriations, not so much to the advantage of the present day.

But at the close of the first session, there was yet much to be done for the establishment of justice at home and abroad. On the 29th of September, 1789, Congress adjourned, to meet again on the 4th of January, 1790. That second session continued until the 12th of August of that year. The institution of the Departments of State and of the Treasury, were among the latest acts of the first session, and on the 11th of September, Alexander Hamilton had been appointed Secretary of the Treasury; and on the 26th of the same month, Thomas Jefferson was appointed Sec-

retary of State. Henry Knox, the Secretary of War to the confederation Congress when it expired, was re-appointed to the same office, adapted to the new Constitution.

The Secretaries of State and of the Treasury, both possessing minds of the highest order of intellect; both animated with a lofty spirit of patriotism, both distinguished for pre-eminent services in the Revolution—Jefferson, the author of the Declaration of Independence—Hamilton, almost entitled to be called jointly with Madison, the author of the Constitution itself, both spurred to the rowels by rival and antagonist ambition, were the representatives and leading champions of two widely different theories of government. The Constitution itself was not altogether satisfactory to either of those theories. Jefferson, bred from childhood to the search and contemplation of abstract rights, dwelling with a sort of parental partiality upon the self-evident truths of the Declaration of Independence, and heated by recent communion with the popular leaders and doctrines of revolutionary France, in the convulsive struggles to demolish her monarchy, had disapproved the Constitution for its supposed tendency to monarchy, and for its omission of a Declaration of Rights, and finally acquiesced in its adoption upon a promise of amendments. Hamilton, prompted by a natural temper aspiring to military renown—nurtured to a spirit of subordination by distinguished military service in the Revolutionary War, and disgusted with the dishonest imbecility of the confederacy of

sovereign states, of which he had suffered the mortifying experience, had inclined to a government higher toned than that of the Constitution, to which he had however cheerfully acceded—and which he had most ably advocated as the principal author of the Federalist, and in the state Convention of New York. But the whole drift and scope of his papers in the Federalist was directed to sustain the position, that a government *at least as energetic* as that provided by the Constitution, was indispensable to the salvation of the Union—the inference is clearly deducible from this form of expression, and from the tenor of all his argument, that he believed a still stronger government necessary. His opinions thus inclined to the doctrine of implied powers; and to a liberal construction of all the grants of power in the Constitution. These prepossessions, so discordant in themselves, and fortified on both sides with so much genius and talent, soon manifested themselves in the cabinet councils, with so much vehemence and pertinacity, as made it impossible for Washington, as he designed, to hold an even balance between them.

On the 21st of September, 1789, upon the report of a committee on a memorial and petition of certain of the public creditors in the state of Pennsylvania, two Resolutions were adopted by the House of Representatives, without debate or opposition.

1. That this house consider an adequate provision for the support of public credit, as a matter of high importance to the national honour and prosperity.
2. That the Secretary of the Treasury be directed to

prepare a plan for that purpose, and to report the same to the House at its next meeting.

Accordingly on the 14th of January, 1790, a plan for the support of public credit was reported by Mr. Hamilton to the House, and was followed by others proposing the establishment of a national bank and a mint; and upon manufactures, with a review of the operation of the revenue, and collection and navigation Acts of the preceding session—all reports of consummate ability, and proposing measures for the restoration of the public credit, the funding of the public debt, and the management of the revenue, which were adopted by Congress almost without alteration, and constituted altogether a system for the fulfilment of the nation's obligations, and the final discharge of the debt of the Revolution, which has been carried into complete execution, and immortalized the name of Hamilton, as a statesman of high and permanent reputation, and among the first financiers of his age.

But in the consummation of these plans, questions of great difficulty, not only in politics but in morals, and questions not less controvertible of constitutional power, were necessarily involved. It is deeply to be lamented that the complete success of Mr. Hamilton's plans; the restoration through them of the honour of the country, and the discharge to the last dollar of her debt, have not to this day definitively settled all these questions. In the long-protracted controversies which grew out of Mr. Hamilton's funding system, the efforts to discriminate between the public creditors of differ-

ent classes, the violent opposition to the assumption of the state debts, and the strain of strict construction, denying the power of Congress to establish a national bank, by the same party which afterward by Acts of Congress, purchased a foreign realm, with its people, governed them for years with the rod of Spanish colonial despotism, parcelled the land out in states, and admitted them all to the Union, were all as I believed morally and politically wrong. The discrimination between the public creditors, and the assumption of the state debts, were questions which once settled could not again recur; but the power of Congress to establish a bank as a regulation of commerce, and appendage to the power of borrowing money and regulating its value, an instrument for the management of the reverses and for effecting the receipts and expenditures of the nation, has unfortunately become a foot-ball of contention between parties, and mingling itself with the baneful spirit of unlimited separate state sovereignty, even now hangs as a dark cloud over the future destiny of the Union. That cloud will pass away. The advice of empirics, administering the bane for the antidote, will give way to the surgery of sober reason; and exemption from debt, and superfluity of revenue, shall no longer by the financiering economy of the executive head, be felt as a public calamity.

The establishment of the funding system of Mr. Hamilton, and especially the incorporation of the bank, operated like enchantment for the restoration of the public credit; repaired the ruined fortunes of the public cred-

itors, and was equivalent to the creation of many millions of capital, available for the encouragement of industry and the active exertions of enterprise. His reputation rose proportionably in the public estimation. But his principles thus developed brought him in the cabinet of Washington, immediately into conflict with those of the Secretary of State, and in the house of representatives, with those of Mr. Madison, his late friend and associate in the composition of the Federalist, and in framing and erecting the admirable fabric of the Constitution. Mr. Madison was the intimate, confidential, and devoted friend of Mr. Jefferson, and the mutual influence of these two mighty minds upon each other, is a phenomenon, like the invisible and mysterious movements of the magnet in the physical world, and in which the sagacity of the future historian may discover the solution of much of our national history not otherwise easily accountable.

The system of strict construction of state rights, and of federative preponderance in the councils of the nation, become thus substitutes for the opposition to the Constitution itself, and elements of vehement opposition to the administration of Washington, of which the funding system thenceforward formed a vital part. At the head of this opposition Mr. Jefferson was in the cabinet, and Mr. Madison in the house of representatives.

This opposition soon assumed the shape of a rival system of administration, preparing for the advancement of Mr. Jefferson to the succession of the Presidency, and thoroughly organized to the accomplishment of that

purpose. It was conducted with more address, with more constant watchfulness of the fluctuations of public opinion, and more pliable self-accommodation to them than the administration itself. It began with a studious and cautious preservation of deference to the character and reputation of Washington *himself*, never wholly abandoned by Mr. Jefferson, always retained by Mr. Madison, but soon exchanged by some of their partisans in Congress for hostility ill-disguised, and by many of the public journals and popular meetings, for the most furious assaults upon his reputation, and the most violent denunciations, not only of his policy, but of his personal character.

Mr. Jefferson was in the meantime fortifying his own reputation, and raising himself in the estimation of his countrymen, by a series of reports to the President, and to both houses of Congress, upon weights and measures, upon the fisheries, upon the commerce of the Mediterranean sea, upon the commercial intercourse with the European nations, and afterward by a correspondence with the ministers of Britain, and of France and of Spain, with an exhibition of genius, of learning, and of transcendent talent, certainly not inferior, perhaps surpassing that of Hamilton himself. The two systems, however, were so radically incompatible with each other, that Washington was, after many painful efforts to reconcile them together, compelled reluctantly to choose between them. He decided in the main for that of Hamilton, and soon after the unanimous re-election of Washington to the Presidency, Mr. Jefferson re-

tired from the administration, to Monticello, and ostensibly to private life.

Within a year afterward, Hamilton also retired, as did Washington himself at the close of his presidential term. He declined a second re-election. The opposition to his administration, under the auspices of Mr. Jefferson, had acquired a head, which in the course of four years more, might have broken it down, as it was broken down in the hands of his successor.

When Solon, by the appointment of the people of Athens, had formed, and prevailed upon them to adopt a code of fundamental laws, the best that they would bear, he went into voluntary banishment for ten years, to save his *system* from the batteries of rival statesmen working upon popular passions and prejudices excited against his person. In eight years of a turbulent and tempestuous administration, Washington had settled upon firm foundations the practical execution of the Constitution of the United States. In the midst of the most appalling obstacles, through the bitterest internal dissensions, and the most formidable combinations of foreign antipathies and cabals, he had subdued all opposition to the Constitution itself; had averted all dangers of European war; had redeemed the captive children of his country from Algiers; had reduced by chastisement and conciliated by kindness, the most hostile of the Indian tribes; had restored the credit of the nation, and redeemed their reputation of fidelity to the performance of their obligations; had provided for the total extinguishment of the public debt; had settled the Union

upon the immovable foundation of principle, and had drawn around his head for the admiration and emulation of after times, a brighter blaze of glory than had ever encircled the brows of hero or statesman, patriot or sage.

The administration of Washington fixed the character of the Constitution of the United States, as a practical system of government, which it retains to this day. Upon his retirement, its great antagonist, Mr. Jefferson, came into the government again, as Vice President of the United States, and four years after, succeeded to the Presidency itself. But the funding system and the bank were established. The peace with both the great belligerent powers of Europe was secured. The disuniting doctrines of unlimited separate state sovereignty were laid aside. Louisiana, by a stretch of power in Congress, far beyond the highest tone of Hamilton, was annexed to the Union—and although dry-docks, and gun-boats, and embargoes, and commercial restrictions, still refused the protection of the national arm to commerce, and although an overweening love of peace, and a reliance upon reason as a weapon of defence against foreign aggression, eventuated in a disastrous though glorious war with the gigantic power of Britain, the Constitution as construed by Washington, still proved an effective government for the country.

And such it has still proved, through every successive change of administration it has undergone. Of these, it becomes not me to speak in detail. Nor were

it possible, without too great a trespass upon your time. The example of Washington, of retiring from the Presidency after a double term of four years, was followed by Mr. Jefferson, against the urgent solicitations of several state Legislatures. This second example of voluntary self-chastened ambition, by the decided approbation of public opinion, has been held obligatory upon their successors, and has become a tacit subsidiary Constitutional law. If not entirely satisfactory to the nation, it is rather by its admitting one re-election, than by its interdicting a second. Every change of a President of the United States, has exhibited some variety of policy from that of his predecessor. In more than one case, the change has extended to political and even to moral principle; but the policy of the country has been fashioned far more by the influences of public opinion, and the prevailing humours in the two Houses of Congress, than by the judgment, the will, or the principles of the President of the United States. The President himself is no more than a representative of public opinion at the time of his election; and as public opinion is subject to great and frequent fluctuations, he *must* accommodate his policy to them; or the people will speedily give him a successor; or either House of Congress will effectually control his power. It is thus, and in no other sense that the Constitution of the United States is democratic—for the government of our country, instead of a Democracy the most simple, is the most complicated government on the face of the globe. From the immense

extent of our territory, the difference of manners, habits, opinions, and above all, the clashing interests of the North, South, East, and West, public opinion formed by the combination of numerous aggregates, becomes itself a problem of compound arithmetic, which nothing but the result of the popular elections can solve.

It has been my purpose, Fellow-Citizens, in this discourse to show :—

1. That this Union was formed by a spontaneous movement of *the people* of thirteen English Colonies ; all subjects of the King of Great Britain—bound to him in allegiance, and to the British empire as their country. That the first object of this Union, was united resistance against oppression, and to obtain from the government of their country redress of their wrongs.

2. That failing in this object, their petitions having been spurned, and the oppressions of which they complained, aggravated beyond endurance, their Delegates in Congress, *in their name and by their authority*, issued the Declaration of Independence—proclaiming them to the world as *one people*, absolving them from their ties and oaths of allegiance to their king and country—renouncing that country ; declaring the UNITED Colonies, Independent States, and announcing that this ONE PEOPLE of thirteen united independent states, by that act, assumed among the powers of the earth, that separate and equal station to which the laws of nature and of nature's God entitled them.

3. That in justification of themselves for this act of

transcendent power, they proclaimed the principles which they held all lawful government upon earth to be founded—which principles were, the natural, unalienable, imprescriptible rights of man, specifying among them, life, liberty and the pursuit of happiness—the institution of government is to *secure* to men in society the possession of those rights: that the institution, dissolution, and reinstitution of government, be exclusively to **THE PEOPLE** under a moral responsibility to the Supreme Ruler of the universe; and all the *just* powers of government are derived from *consent* of the governed.

4. That under this proclamation of principles, the dissolution of allegiance to the British king, and the patriot connection with the people of the British empire were accomplished; and the *one people* of the United States of America, became one separate sovereign independent power, assuming an equal station among nations of the earth.

5. That this one people did not immediately institute a government for themselves. But instead of it, the delegates in Congress, by authority from their separate state legislatures, without voice or consultation of the people, instituted a mere confederacy.

6. That this confederacy totally departed from the principles of the Declaration of Independence, and substituted instead of the constituent power of the people an assumed sovereignty of each separate state, as the source of all its authority.

7. That as a primitive source of power, this separate

state sovereignty, was not only a departure from the principles of the Declaration of Independence, but directly contrary to, and utterly incompatible with them.

8. That the tree was made known by its fruits. That after five years wasted in its preparation, the confederacy dragged out a miserable existence of eight years more, and expired like a candle in the socket, having brought the union itself to the verge of dissolution.

9. That the Constitution of the United States was a *return* to the principles of the Declaration of Independence, and the exclusive constituent power of the people. That it was the work of the ONE PEOPLE of the United States; and that those United States, though doubled in numbers, still constitute as a nation, but ONE PEOPLE.

10. That this Constitution, making due allowance for the imperfections and errors incident to all human affairs, has under all the vicissitudes and changes of war and peace, been administered upon those same principles, during a career of fifty years.

11. That its fruits have been, still making allowance for human imperfection, a more perfect union, established justice, domestic tranquility, provision for the common defence, promotion of the general welfare, and the enjoyment of the blessings of liberty by the constituent *people*, and their posterity to the present day.

And now the future is all before us, and Providence our guide.

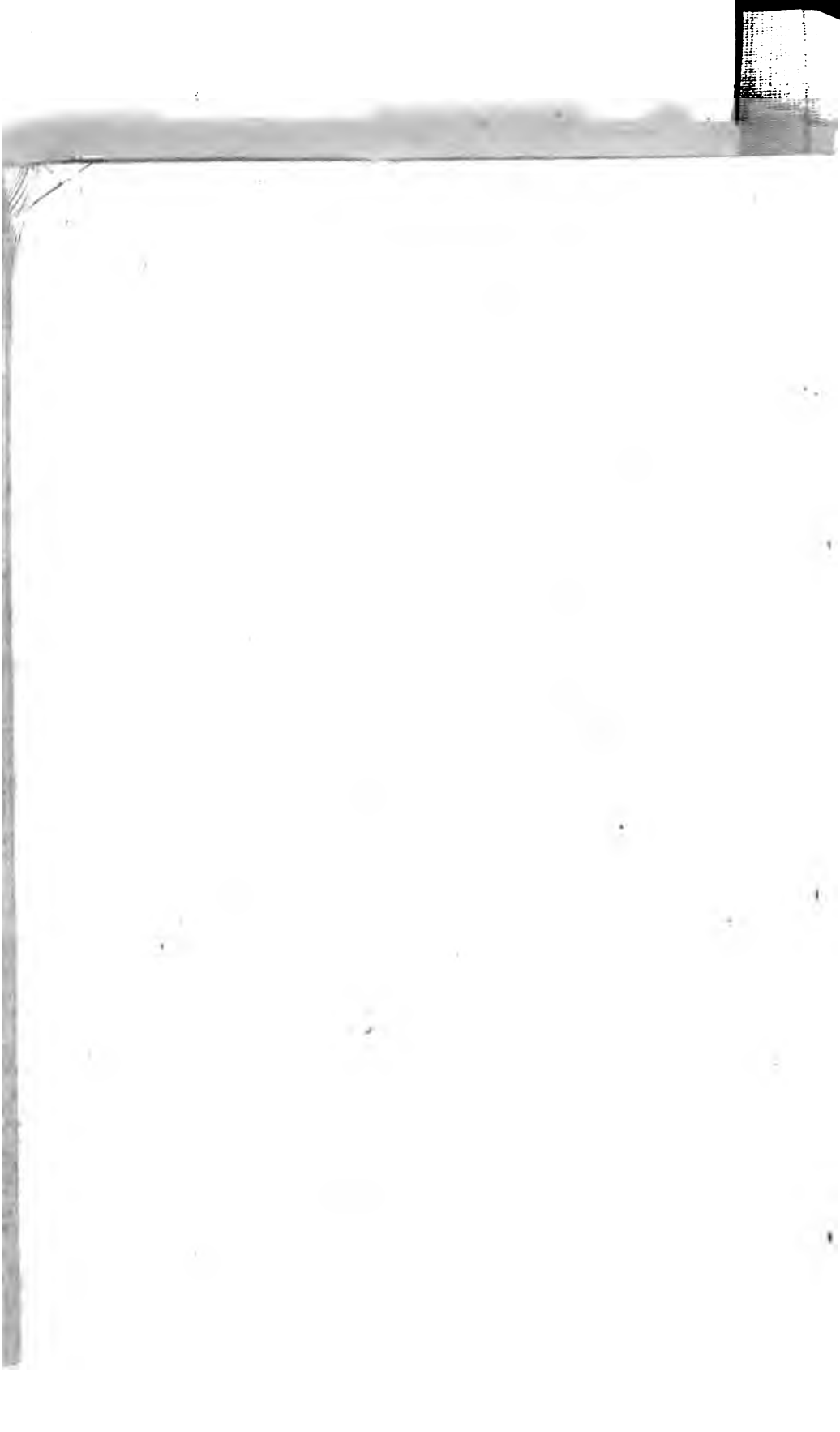
When the children of Israel, after forty years of wanderings in the wilderness, were about to enter upon

the promised land, their leader, Moses, who was not permitted to cross the Jordan with them, just before his removal from among them, commanded that when the Lord their God should have brought them into the land, they should put the curse upon Mount Ebal, and the blessing upon Mount Gerizim. This injunction was faithfully fulfilled by his successor Joshua. Immediately after they had taken possession of the land, Joshua built an altar to the Lord, of whole stones, upon Mount Ebal. And there he wrote upon the stones a copy of the law of Moses, which he had written in the presence of the children of Israel: and all Israel, and their elders and officers, and their judges, stood on the two sides of the ark of the covenant, borne by the priests and Levites, six tribes over against Mount Gerizim, and six over against Mount Ebal. And he read all the words of the law, the blessings and cursings, according to all that was written in the book of the law.

Fellow-citizens, the ark of *your* covenant is the Declaration of Independence. Your Mount Ebal, is the confederacy of separate state sovereignties, and your Mount Gerizim is the Constitution of the United States. In that scene of tremendous and awful solemnity, narrated in the Holy Scriptures, there is not a curse pronounced against the people, upon Mount Ebal, not a blessing promised them upon Mount Gerizim, which your posterity may not suffer or enjoy, from your and their adherence to, or departure from, the principles of the Declaration of Independence, practically interwoven in the Constitution of the United States. Lay up these prin-

ciples, then, in your hearts, and in your souls—bind them for signs upon your hands, that they may be as frontlets between your eyes—teach them to your children, speaking of them when sitting in your houses, when walking by the way, when lying down and when rising up—write them upon the doorplates of your houses, and upon your gates—cling to them as to the issues of life—adhere to them as to the cords of your eternal salvation. So may your children's children at the next return of this day of jubilee, after a full century of experience under your national Constitution, celebrate it again in the full enjoyment of all the blessings recognised by you in the commemoration of this day, and of all the blessings promised to the children of Israel upon Mount Gerizim, as the reward of obedience to the law of God.

THE CELEBRATION.



THE CELEBRATION.

THE semi-centennial anniversary of the first inauguration of GEORGE WASHINGTON, as President of the United States, and the organization of the general government under the Federal Constitution, was celebrated in the city of New York, on Tuesday, April 30th, 1839, by a public Oration and Dinner, under the direction of a committee of the New York Historical Society.

The Honorable JOHN QUINCY ADAMS, the sixth President of the United States, was selected as the Orator on this interesting occasion; and letters of invitation were addressed to distinguished survivors of the Revolutionary period, to the Historical Societies of other states, and to various public functionaries, requesting their attendance.

MR. ADAMS, having accepted the appointment, arrived in town from Washington on Monday, April 29th, and in the evening met a large number of the members of the Society at their rooms in the Stuyvesant Institute. From thence the company repaired by invitation to the house of Mr. Stuyvesant, the President of the Society, where a sumptuous entertainment was provided for the occasion.

On Tuesday, at eleven o'clock, A. M., the Society with their guests assembled at the City Hotel, where a large number of citizens joined them in paying their personal respects to the venerable Orator of the day, and to the Revolutionary veterans, who, disregarding the infirmities of age, had once more rallied in honour of their beloved Chief. Among the guests were Colonel John Trumbull, General Morgan Lewis, Mr. Justice Thompson, of the Supreme Court of the United States, His Excellency William Pennington, Governor of New Jersey, Hon. Samuel L. Southard, of the United States Senate, Major-General Winfield Scott, and Suite, of the U. S. Army, Commodore Alexander Claxton, of the U. S. Navy, Hon. John Davis, Judge of the U. S. District Court for Massachusetts, Baron de Roenne, late Chargé d'Affaires for Prussia, Hon. William A. Duer, President of Columbia College, Messrs. Albert Smith, Member of Congress, of Maine, Nathan Appleton, late M. C., of Boston, William S. Hastings, M. C., of Massachusetts, Daniel D. Barnard, M. C., of Albany, Elisha Whittlesey, M. C., of Ohio, John Howland, Esq., President of the Rhode Island Historical Society, William Willis, Esq., of the Maine Historical Society, Jacob B. Moore, Esq., of the New Hampshire Historical Society, and others.

At twelve o'clock, the company moved in procession to the Middle Dutch church, in Cedar street, where an immense concourse of people were assembled, comprising much of the beauty and fashion of the city, besides many distinguished strangers. Tickets having been issued for admission to the church, to prevent the confusion of a crowd greater than could be provided with seats, many hundreds of persons were necessarily excluded who sought to be present. A temporary stage was erected in front of the pulpit for the convenience of the guests, on which was placed the identical chair which had been occupied by General Washington at the time of his inauguration. This chair was now taken by the distinguished Orator of the day, who was supported on his right by Peter Gerard Stuyvesant, Esq., the President of the New York Historical Society, and on his left by Philip Hone, Esq., one of the Vice Presidents. The

members of the Society, and the delegates from the Historical Societies of other states, occupied the central seats in the body of house, which were reserved for their use.

The delivery of the Oration was preceded by a fervent and appropriate prayer from the Rev. John Knox, D. D., one of the associate pastors of the Dutch Collegiate church. The following Ode, written for the occasion by William Cullen Bryant, Esq., was then sung :—

Great were the hearts, and strong the minds,
Of those who framed, in high debate,
The immortal league of love that binds
Our fair broad empire, state with state.

And ever hallowed be the hour,
When, as the auspicious task was done,
A nation's gift, the sword of power,
Was given to glory's unspoiled son.

That noble race is gone; the suns
Of fifty years have risen and set;
The holy links those mighty ones
Had forged and knit, are brighter yet.

Wide—as our own free race increase—
Wide shall it stretch the elastic chain,
And bind, in everlasting peace,
State after state, a mighty train.

The Oration occupied about two hours in the delivery, and, by the extraordinary ability, learning and eloquence which it displayed, fully sustained the most sanguine anticipations of the friends of the distinguished Orator. The exercises were concluded with a prayer and benediction from the Rev. J. M. Wainwright, D. D., one of the Ministers of Trinity church.

At six o'clock, P. M., the company re-assembled at the City Hotel, and about two hundred persons sat down to a dinner prepared in the best style of that well-known establishment. Peter G. Stuyvesant, Esq., presided on the occasion, assisted by Philip Hone, Esq., Hon. Judge Betts, of the U. S. District Court, and Charles King, Esq. The arrangements which were made under the efficient direction of the committee for that purpose, were happily carried into effect, and the whole evening exhibited a continued scene of festive enjoyment, enlivened by music from a band in the orchestra, and a select corps of professional vocal performers, accompanied by the piano forte, and led by the celebrated Mr. Sinclair, of the Theatre.

After the removal of the cloth, the following toasts were proposed by the President :—

1. *George Washington*—His example was perfect: severe will be the condemnation of him, who seeks his place and disregards the authority of that example.

Mr. Stuyvesant accompanied this toast with some remarks, containing interesting allusions to the private habits and character of General Washington, in substance as follows :—

It cannot be expected, at this time and place, any allusion should be made to the public character of Washington; we are all in possession of his history from the dawn of life to the day that Mount Vernon was wrapped in sable; and after the exercises of this morning, if any attempt to portray his political or military life was made, it would only be the glimmering light of a feeble star succeeding the rays of a meridian sun.

But the occasion affords an opportunity of congratulating the small number of gentlemen present, who enjoyed the privilege of participating in the ceremonies of the thirtieth of April, 1789; they will recall to their

memories the spontaneous effusions of joy that pervaded the breasts of the people, who, on that occasion, witnessed the organization of a constitutional government formed by intelligent freemen, and consummated by placing at its head the man in whom their affections were concentrated as the father of their country.

Washington's residence in this city after his inauguration was limited to about two years. His deportment in life was not plain, nor was it at all pompous, for no man was more devoid of ostentation than himself; his style, however, gave universal satisfaction to all classes in the community; and, his historian has informed us, was not adopted for personal gratification, but from a devotion to his country's welfare. Possessing a desirable stature, an erect frame, and, superadded, a lofty and sublime countenance, he never appeared in public without arresting the reverence and admiration of the beholder; and the stranger who had never before seen him, was at the first impression convinced it was the President who delighted him.

He seldom walked in the street—his public recreation was in riding. When accompanied by Mrs. Washington, he rode in a carriage drawn by six horses, with two outriders who wore rich livery, cocked hats, with cockades and powder. When he rode on horseback, he was joined by one or more of the gentlemen of his family, and attended by his outriders. He always attended divine service on Sundays; his carriage on those occasions contained Mrs. Washington and himself, with one or both of their grand-children, and was drawn by two horses, with two footmen behind; it was succeeded by a post-chaise, accommodating two gentlemen of his household. On his arrival in the city, the only residence that could be procured was a house in Cherry street, long known as the mansion of the Franklin family, but in a short time afterward he removed to and occupied the house in Broadway, now Bunker's hotel.

Washington held a levee once a week, and from what is now recollected they were generally well attended, but confined to men in public life and gentlemen of leisure, for at that day it would have been thought a breach of decorum to visit the President of the United States in dishabille.

The arrival of Washington in 1789, to assume the reins of government, was not his first entry into this city, accompanied with honour to himself and glory to this country. This was on the twenty-fourth of November, 1873; and here again I must observe, the number present who witnessed the ceremonies of that day, must, indeed, be very limited; on that day he made his triumphal entry, not to sway the sceptre, but to lay down his sword; not for personal aggrandizement, but to secure the happiness of his countrymen. He early in the morning left Harlem and entered the city through what is now called the Bowery; he was escorted by cavalry and infantry, and a large concourse of citizens on horseback and on foot in plain dress; the latter must have been an interesting sight to those of mature age who were capable of comprehending their merit. In their ranks were seen men with patched elbows, odd buttons on their coats, and unmatched buckles in their shoes; they were not indeed Falstaff's company of scare-crows, but the most respectable citizens, who had been in exile and endured privations we know not of, for seven long and tedious years.

On that occasion, and on his arrival in 1789, Washington was received as is well known, by the elder Clinton, who was at both periods Governor of the state.

2. *The Day we celebrate*—It witnessed the commencement of our government. May the day be far removed which dawns upon its dissolution.

The next toast was preceded by the following observations from the President:—

In calling your attention to the toast next in order, I have a duty to perform, highly gratifying to my inclination; but I cannot conceal the embarrassment I feel from my inability to do justice to the subject. I have to propose the health of a gentleman of extraordinary merit and fame—One of America's most distinguished sons. The Civilian, the Legislator, the Statesman, and the Scholar. A gentleman unexcelled in general attainments—exercising a mind in every department of science to advance the comfort and happiness of mankind. Possessing and advocating morals of the highest order. A gentleman who has this day so signally honoured us, and honoured our city; and in the various legislative, executive, and diplomatic stations he has filled for nearly fifty years, has honoured our country at home and abroad.

He then gave—

3. *The Orator of the Day*—

Justum et tenacem propositi virum
Non civium ardor prava jubentium,
Non vultus instantis tyranni
Mente quatit solida.

Mr. Adams then said :—

MR. PRESIDENT—

After the large draughts which I have already been this day permitted to make upon the patience and indulgence of the company here present, and others of my fellow-citizens, inhabitants of this city, were I not otherwise at a loss for words to express emotions excited by this fresh testimonial of their kindness, it would best become me perhaps to receive it in silence—[go on! go on! from several voices at the table]—especially as, by consuming any portion of the time of this company, I am conscious of withholding from them some part of the rich treat of entertainment, which they are justly expecting from others whom I see at this table, far better qualified to discourse to them upon any topic than myself. I cannot, however, forbear from the utterance of the grateful sentiment swelling in my bosom for your kindness at this moment, as well as that with which I have been honoured this morning; and with deep sensibility to the friendly regard manifested in the personal reference of the sentiment just given from the chair, I submit a few remarks upon a period intimately connected with, but preceding that of your commemoration.

The day of this celebration is that upon which the people of the United States began their career of history under a constitution of government.

They have had fifty years of experience of that government, and the review which you have proposed to take as appropriate on this day, has been chiefly confined to the character of the Constitution and government, as it has proved upon trial by experience.

What it was in theory, properly belongs to the consideration of a preceding period of time, of which, in the discourse pronounced at your invitation, only incidental notice could be taken, as in the historical chain of events leading to that which it was your special purpose to commemorate.

That preceding period, however, of our national history, from the origin, formation, and progress of our Union to its consummation, in the establishment of a national government, is full of a deep and abiding interest;—nor can it be forgotten in the estimate of the blessings which we have enjoyed under the practical operation of the Constitution. It has been enjoined upon us not to say what is the cause that the former days were better than these; and, thanks to this Constitution, we have abundant reason, with grateful acknowledgments, to allow that these days, with regard at least to our condition and prospects, are better—far better—than the former days, whether of colonial dependance, of revolutionary

conflict, or of disunited and disuniting confederation. With reference to benefits and comforts enjoyed, these are the halcyon days of our existence; as we or our children will soon in sharp and bitter contrast feel, if we or they should ever betray, renounce, or abandon the self-evident principles upon which our Union was formed, our Independence declared, and our Constitution established, by our forefathers of former days.

Our days of enjoyment are better than theirs. But our days of enjoyment are the fruits of their days of toil—of danger—of suffering—of lofty and generous exertion;—and can I choose but be reminded of them, when I see at your side [General Morgan Lewis was seated next to the President,] and at mine, [Colonel John Trumbull,] relics of those trying times, conspicuous as actors in the drama of those days, and still worthy representatives of them? And must we not confess, that if these are the better days for enjoyment, those were the better days for illustrious action?

There were periods, Mr. President, in the history of ancient Greece, with which we may trace a closely corresponding analogy in our own. We must make allowances for the difference of times and circumstances, manners, opinions, and passions, between ages so remote, and our own, and for the necessary varieties of fabulous and authentic history. But in the ancient history of Greece, there were two classes of events, and of human actors in the transactions of their respective times. The first of these periods was in later times usually denominated the *heroic age*, and it acquired that appellation by the supposed superiority of the men who, during that stage of human civilization, made themselves conspicuous among their contemporaries by qualities or achievements superior to those possessed or accomplished by the rest. Those qualities and achievements were themselves of two very different kinds; one characterized by the exercise of physical force upon external nature and upon men—the other by the development of moral and intellectual powers. The renown of the hero was sometimes acquired by the extermination of monsters, such as the Nemean lion, or the Minotaur, and the destruction of tyrants and other wild beasts in human form, and sometimes by alluring mankind to congregate together in civil associations, and by founding institutions of government to last through long successions of time. The fame of heroism was very rarely attained by the same person for successful energy in both these courses of action; yet was it not entirely without example, and Plutarch has recorded, in the life of Theseus, one personage equally celebrated for both kinds of heroism, by ridding the earth of monsters, and by laying the foundations of the political constitution of Athens.

May we not award the same meed of glory to our own Washington? As the commander-in-chief of our armies from the beginning to the close of the War of Independence, he sustained the cause of his country in the rough encounter of physical force—exterminated the monster—he destroyed not the person, but the power of the tyrant, and then retiring from the ardent gaze of an admiring world to the obscurity of rural solitude and domestic privacy, reissued from it again at the call of his country in her utmost need, to preside at the formation of the people's Constitution, and to breathe into it the breath of life, by an administration shaping its character for the duration of ages, as the man of mature life is formed by the education of the child.

It was a common opinion of the ancient Greeks of the later times, that they had degenerated from the physical powers of their forefathers in the heroic age. One of the heroes of the *Iliad* is represented in that poem, while engaged in mortal combat with his enemy, as lifting and hurling at him a rock of such weight, that the poet declares, twelve men of his own time would not be able to raise it from the ground. In his second qualification of heroism, that which properly belongs to the cultivation of

the mind, and the formation of government, have we not too much reason to inquire whether the parallel of diminished power is not applicable to the progress of our own history? If it be so, we have at least the consolation that we diminish only in one of the scales of heroism; for when I reflect upon the achievements of our most recent conflict with the British Lion; and when I see at this table the representatives of our present army and navy [General Scott and Captain Claxton were at the table] I am sure every heart in this hall will respond to the declaration which rises from the heart to the lips. No! in the prowess of the arm, and the valour of the soul, we have not degenerated from the energy of our forefathers.

But it was also an opinion of antiquity that heroic achievement was not of itself sufficient for the attainment of glory, but that it required the assistance of literature and the fine arts for its illustration. There was, says the Roman master of the lyre, Horace, many a hero before the days of Agamemnon: but they and their mighty deeds have all perished, because they had no poet to immortalize them in song.

But if the heroic age of our revolutionary history has not yet been celebrated in poetry with a dignity suitable to the grandeur of the subject, the sister art of painting has not been equally neglectful of her duty. My old and venerable friend at my side, [Col. Trumbull,] as you have all seen, has given a second life to the most affecting and grandest scenes of the Revolutionary war, in which he was himself in the prime of life a distinguished actor. In traversing the seas, his soul was still untravelled, and the enthusiasm for his art never quenched the fire of his patriotism, even when it consigned him to a British prison. The merit of his paintings has stood and will stand the test of time. But the conception of the design, the choice of the subjects, the perseverance of purpose, and the fidelity of execution, exhibiting to posterity striking resemblances from the life of the principal actors in those scenes which will expand in the memory of mankind, as the wheels of time roll round, all these will be better appreciated in another hundred years than they have been, or yet are. And yet, even now, who is there with an American heart in his bosom, who can cast his eye upon these martyrs to their country's cause, upon that self-devotion sanctified by the sacrifices of life, of Warren at Bunker's Hill, and of Montgomery before the walls of Quebec—who can pass through the Rotunda of the Capitol at Washington, and not find his eyes involuntarily drawn upon the living triumphs of Saratoga, and of Yorktown? upon that Declaration of Independence which forms an epoch in the history of the human race? upon that scene of still loftier sublimity, if possible, the surrender by Washington of his commission to the Congress of Annapolis? who can now turn his eye upon these visions of his country's glory, without feeling that the artist has spread a fresh blaze of splendour over those scenes? for every eye that beholds them identifies the immortality of his own name with the imperishable honours of his country.

Sir, I will detain the company no longer, but conclude with asking your permission to give in return for the toast with which they have been pleased to honour me,

"The heroic age of American history."

4. *The Fourth of July, 1776, and the Thirtieth of April, 1789*—The corner-stone and coping of a glorious edifice, which it is the duty of the present and future generations to preserve free from desecration.

5. *The Union of the States*—The cement of national independence: its ingredients—patriotism, justice, and liberality.

6. *"The Unity of Government"*—As Washington understood it: "The support of tranquility at home, and of peace abroad—of our safety—of our prosperity—of that very liberty which we so highly prize."

7. *The President of the United States.*

8. *The Constitution*—The country has flourished under its protection: May it with filial gratitude cherish and sustain it in all its original strength and purity.

9. *The Congress of 1789*—It gave the first practical construction to the Constitution: May its successors emulate its profound sagacity and devoted patriotism.

10. *The Federal Judiciary*—May its members always bear in mind that they are successors to Jay, Ellsworth, and Marshall.

The Vice President, Mr. Philip Hone, expressed his thanks to the President for having called upon him to perform the agreeable duty of announcing the eleventh regular toast.

I am satisfied, (he said,) in paying my humble tribute of respect to the brave man, on whose patriotic devotion to the services of the country reliance can at all times be placed, and whose duties have been so faithfully performed, under the disadvantages of an extended sphere of action, with frequently incompetent means; but I am warmed into admiration of the gallant band, and feel sensible of the obligation, which as citizens we owe them, for the defence of our political rights, and the protection of our personal privileges, when I see before me the noble relics of the army of the Revolution, mingling in pleasant communion with the gallant spirits of more recent warfare; when I perceive you, sir, supported on one side by a veteran, the former aide of the father of the country, to whose patriotic services allusion has been made by the eloquent orator of the day, (himself deeply imbued with the spirit of the Revolution,) and the venerable gentleman, who, fifty years ago, in the prime of his life, admired taen, as he is respected now, commanded the escort of Washington on the memorable occasion which we are now employed in celebrating; and on the other, by the gallant officer to whose more recent services the country stands deeply indebted, and is willing to make grateful acknowledgment. Two generations of patriots, touching, as it were, upon each other, and rejoicing together. Sires, who sat a noble example in the arduous struggle for national independence, and a worthy son, who has faithfully followed their example, and emulated their virtue.

In alluding to the distinguished officer who now commands the military section of which the state of New York forms a part, I avail myself with pleasure of the opportunity on the present occasion, (which his recent refusal to accept the hospitality of our city denied to myself, or some other more competent of my fellow-citizens,) to pay a willing tribute of applause to his unwearied exertion in defending the honour, and preserving the peace of the country.

In performing this duty, however, I fear I may be led, notwithstanding the protestations which have been so frequently made in the course of this day's proceedings, of attachment to the federal principle of inviolable union amongst the several states, to dispute the claim of the patriotic state of Virginia to the honour of his paternity, or at least to insist upon an equal participation. A Virginian by birth, he has been brought up in the state of New York. It was here that his maiden sword was first drawn in the defence of his country, here the laurels were gathered which first graced his youthful brow, and here his military character was formed, and his tactics brought into successful operation.

General Scott's sphere of action has been singularly extensive. Called upon at an early period of the late war with Great Britain, when from untoward circumstances, (of which perhaps a want of proper preparation was one of the most prevailing,) darkness overspread our beloved land, and patriots began to tremble, he was one of those noble spirits, whose glorious privilege it was to "pluck up drowning honour by the locks." Young, ardent, and chivalric, he rushed at the head of his untried battalions into the fearful contest with the chivalry of England; fearless of danger himself, he taught his countrymen that the conquerors of Europe might be success-

fully opposed by American valour. The circumstances of the time coming in aid of his own prowess, gained for him a military reputation which, in most cases, it is the labour of a whole life to acquire. And on the Niagara frontier, his 'good sword' carved out for him a title to the conspicuous place which we are all willing to award him in the proud array of American heroes.

Subsequently to the peace with England, he has been steadily and actively engaged in the duties of his profession, combining the fruits of his experience with the results of his studies in the art of war, into a system of tactics for the government of the army, and applying his knowledge to the defence of the exposed points within the compass of his command, the government has on all occasions acknowledged the value of his services.

When the hostile movements of the Indian tribes on the North Western frontier, demanded prompt and efficient action, General Scott was appointed to the command of the army sent against them. And on this occasion his bravery and skill are not more entitled to praise, than the humanity he displayed toward his dispirited soldiers suffering under the dreadful effects of the pestilence which raged in their ranks.

At a later period he has been engaged with eminent success in important duties of a nature somewhat foreign to his profession; by skilful and judicious measures he succeeded in carrying out the design of the government in the peaceful removal of the Cherokees to the place of their allotted abode, and there is reason to believe that the sudden termination of his command in Florida, alone prevented a more favorable result of the disastrous warfare which has so long desolated that fair portion of our national domain.

On the return of General Scott from the south, the reprehensible interference of some of our citizens on the northern frontier in the unhappy revolt of the adjoining province of Canada, calling for the interposition of the government, he was sent to enforce obedience to the laws, and by the weight of his character, in the neighbourhood of his early achievements, he soon succeeded, with the aid of his gallant coadjutor Colonel Worth, in preserving the neutrality of the country.

Hardly had this important duty been accomplished, when, on the appearance of the late alarming collision between the authorities of the state of Maine, and the British province of New Brunswick, this warrior, transformed into the more benignant character of a peace-maker, was employed once more to allay the strife of offended pride, and avert the consequences of irresponsible hostility. Here again a judicious course of dignified firmness, tempered by courteous forbearance, produced a result calculated to quiet the apprehensions of the timid, and satisfy the demands of the aggrieved.

In the discharge of all these multifarious services, General Scott has been unremittingly and laboriously engaged, in season and out of season, and is well entitled to count upon the approbation of his government, and the gratitude of his fellow-citizens.

I have to apologize, Mr. President, to the distinguished individual, the subject of these imperfect remarks, but to the company no apology will be thought necessary, for I am persuaded the sentiments I have ventured to express are those of all who hear me. As an American, proud of the well-earned fame of one of her favorite sons, and as a citizen of the state which was so deeply interested in some of his latest negotiations, I could not have said less, and as an old friend, excited by the recollection of many pleasant instances of social intercourse, I dared not trust myself to say more.

I proceed to discharge the agreeable duty assigned to me by announcing the 11th toast.

11. *The Army*—Our ancestors owed to its valour the establishment of their independence: the present generation is indebted to its patriotic exertions for the preservation of peace.

Major General Scott responded to this toast in the following terms:—
Touched with the high compliment paid by this distinguished company,
to that arm of the national defence to which I have the honour to belong;
I offer you, gentlemen, the return of its grateful acknowledgments. If

"In peace, there's nothing so becomes a man,
As modest stillness and humility;—
But when the blast of war blows in our ears,
* * * * *
Then lend the eye a terrible aspect—
* * * * *
Hold hard the breath, and bend up every spirit
To his full height!"—

the army fulfils all the conditions of good citizens and good soldiers. The school-master has been abroad in its ranks, and thanks to the West Point academy, our younger officers, when in the bosom of society, are best known by their modest bearing—their ready obedience to law, to the habits and feelings of their country.

Under the other circumstance—that of active service, I need but to allude to the triumphs of what has partially been termed—the *second War of Independence*. History has occupied herself with those deeds, and in one stream of eloquent praise, has mingled the glories of the navy and army.

More recently, our twelve or fourteen regiments have not been idle, and if they have won but few bloody victories, they at least have marched in triumph through every forest, hammock, swamp, and prairie of the frontiers—

"Where beasts with man divided empire claim,
And the brown Indian marks with murderous aim."

In the Black Hawk campaign, none of those difficulties, nor the dread cholera, long delayed the onward course, and the enemy, overcome by perseverance and valour, were in the end taught the high Christian lesson of justice blended with mercy.

At Charleston, when the gallant but too sensitive Carolinians had, by evils imaginary or real, or both, been brought almost to disunion, the officers and men of the navy and army on duty in that harbour, laboured by meekness and kind offices—in one instance, saving that beautiful city from general conflagration—to assuage the angry feelings which had been excited, and thus kept the way open for that masterly movement in Congress which restored the noble state to the eager embraces of her sisters of the Union.

The Florida war ensued and continues. This has been a deep affliction to the country, and yet a greater one to the regiments employed—which, throughout, have displayed every effort of heroic perseverance and hardy endurance. It was my fortune to witness many of the difficulties and distresses of that war, during the twenty-three days in the field which were allowed me. We then only succeeded in removing about four hundred Seminoles, and suffered, for a time, the censures of the hasty. But as applause had never spoiled our gallant troops, so neither did condemnation change their noble character, and all remained, to country and government—

"As true as the dial to the sun,
Although it be not shone upon."

For the last six months a handful of the army has been incessantly employed on the Canadian frontiers, in maintaining the supremacy of the laws and the national faith, pledged by treaty to a friendly power. Here again our officers and men have, without exception, done their duty. Wherever they have been able to appear, success has attended their efforts, and under Providence, but for those efforts, the United States, in all

probability, would, ere this, have been at war with a great and kindred people.

I will but briefly allude to one other service recently performed by our army—the removal, a distance of nine hundred miles, of the numerous and interesting tribe of Cherokee Indians. This service, in which the militia of North Carolina, Georgia, Tennessee, and Alabama bore a meritorious part, was accomplished, not alone by collecting the persons of the Indians, but *by the conquest of the will*, up to that time indomitable and adverse. The means were persevering kindness, exerted by all, and extended to all. I offer this bloodless triumph, obtained by the clemency of the sword, as in some degree worthy of the example of the illustrious William Penn, and I am happy to add, from a personal knowledge of their late and present countries, that the emigrants have every prospect of being greatly and permanently benefited by the change.

I beg leave, gentlemen, to offer this toast:

The surviving Heroes and Worthies of the Revolution—They are dearer and dearer to the hearts of their countrymen, as their numbers diminish.

12. *The Navy*—Created by the Federal Government: its past achievements are pledges that it will not be wanting in the hour of national danger.

Commodore Claxton responded to this toast, but we are unable to report his remarks.

13. *Women*—The best teachers and guardians of sound principles.

A toast having been offered complimentary to General Morgan Lewis, who was Marshal of the day at the inauguration on the 30th April, 1789, and was now present, after filling in the intermediate period important offices, among which was that of Governour of the state of New York.

General Lewis made a handsome acknowledgment, and gave the following sentiment:—

Our Country—Her progressive prosperity from the epoch we this day celebrate, affords the best comment on her form of government and its general administration.

By President Duer:

Massachusetts—The nursing mother of the Hampdens and Sidneys of the heroic age of America: This day has proved that she had not lost her fecundity in the second generation.

The Hon. Judge Davis, of Boston, responded in an animated manner, and concluded by offering the following sentiment:

The spirit of American social polity—Onward, ever onward, more majorem, in the march of improvement, and advancement of human happiness.

Mr Hone, alluding to the enthusiasm with which Washington was received in New Jersey, when on his journey from Mount Vernon to this city, to assume the office of President, and especially complimenting the patriotic matrons of that state, called up Governour Pennington, who spoke as follows:

He said that he took the occasion, in behalf of the people of his State, not only to thank the gentleman for his complimentary remarks respecting New Jersey and the part she had taken in the great cause of achieving the independence of the country, but to thank also this company for the hearty manner in which those sentiments had been received. Having been on the spot on which many of the most interesting and trying scenes took place, her citizens had been peculiarly exposed to the hardships and privations of the war. We boast, that it was upon our soil the tide of war was changed. After retreating through the state with his patriot band, borne down by every calamity, in the face of a numerous and well-appointed British soldiery, Washington, at Trenton, by a single battle, gave victory to our arms, recruited the spirits and courage of his troops, and revived the hopes of the country. It was no wonder, as had been alluded to in the course of the day by the venerable gentleman, [Mr. Adams,] that General Washington was deeply affected at the in-

scription on the triumphal arch erected to receive him when, on his way to take upon himself the office of first President of the United States: "The defender of the mothers will be the protector of their daughters." That was the very ground on which the fate of our mothers was decided. These mothers were indeed defended by Washington, but it should be said also that they defended themselves. Many are the instances of their devotion to the sacred cause.

Governor P. here alluded to several instances of individual heroism and determination in that state, and closed with a firm persuasion that the same spirit which burned there in 1776, had been transmitted to their children, and would always promptly respond to the call of their common country. Alluding to the recent difficulties which threatened to disturb the quiet of the nation, he said he spoke the common sentiment of the people in declaring that they desired peace with all the world, and that they felt under peculiar obligations to a gentleman now present, [General Scott,] for the vigorous and important services he had rendered his country on that occasion. After adverting to the pleasure all had derived from the review of the scenes of the revolution which they had heard that day, he offered the following sentiment:—

The Recollection of former times—Every day they become dearer to all true-hearted Americans.

The Hon. Samuel L. Southard, of New Jersey, being called upon, spoke at considerable length, with great eloquence and effect, and concluded by giving the following toast:

The Judiciary of the United States—The honest offspring of the Constitution: she has nourished her mother with all a daughter's love, and more than a daughter's devotion.

By Thomas Fessenden, Esq.:

Connecticut as she now is: true to the principles, the feelings, and the blood of Connecticut of the Revolution.

By Hon. Thomas Day, of Hartford:

The study of Jurisprudence as a subject and a source of history.

George Folsom, Esq., of this city, being called upon by the President, remarked that this was a proud day for the New York Historical Society, on which so many respected citizens from our sister states, had assembled to unite with us in the commemoration of this great anniversary.

Among them he was glad to see an able representation from the most northern member of the Union, whose geographical position caused her to lead, like the star that adorned her escutcheon, in the constellation of states. Mr. F. then alluded to the recent border difficulties, and said that Maine had not only proved true to herself, but to the great principles of our government which had been so happily illustrated to-day. Maine had ever been jealous of her political rights, and her citizens never hesitated to assert and vindicate them at whatever hazard. At a very early period of her history, the people of that remote colony manifested the same spirit of resistance to usurpation and aggression, that had of late animated as one man her entire population. He alluded to the attempts that were made by the colony of Massachusetts Bay in 1652, to extend her jurisdiction over the inhabitants of Maine, which met an open and manly resistance from the civil authorities and the people of the province.

But, said Mr. F., there is a gentleman present whose labours in exploring and illustrating her annals have given him a high character among the historical writers of our country, [Mr. Willis, of Portland,] who can better speak for his own state; and he would conclude by offering the following sentiment:—

The State of Maine—Ever prompt to resent the slightest infringement upon the honour of her government, and to vindicate the integrity of her territory, yet acknowledging with equal promptitude the sacred character of her obligations to the American Union.

William Willis, Esq., of Portland, a delegate from the Maine Historical Society, rose to tender to the Society his sincere thanks for the complimentary manner in which they had just noticed the state to which he had the honour to belong. He was aware, he said, that Maine, at this particular period, did not stand in very good odour, from the excitement which recent events upon its border had produced; but he begged to assure the gentlemen present, that Maine was as unwilling to disturb the peace of the Union as any of her sister states; that she had been forced into the position in which she stood, not from any desire of bringing herself into notice, or setting herself up against the interest and welfare of the Union, but from a solemn sense of duty she owed to her own character and rights. She was not contending for a few acres of territory, but for a great principle. She was resisting an encroachment upon her soil and jurisdiction, and it mattered not whether it was for one acre or one million acres—she would not yield it upon compulsion, or for any threat of any power.

He believed that the claim of Maine to the whole territory in dispute was as clearly established by argument as any case was ever done, and that if any man would impartially examine it, he would be satisfied as to the perfect demonstration of that side of the question. No impartial jury, in a court of justice, would hesitate, on the same state of facts, to return a verdict in favour of Maine.

He asked gentlemen of New York to consider what their feelings would be if a border nation should set up a claim to a portion of their frontier county of Niagara, or of Oswego, for the purpose of giving additional value to the foreign territory, by public improvements: would they stop to consider the value of the land thus claimed—to go into the valuation of dollars and cents on the subject? No, their public spirit would spurn such a consideration, and the Union would shake to its centre with their indignant rebuke. The claim to the disputed territory in Maine is no better founded than would be such a one as he supposed. He therefore invoked the patriotism and public spirit of the people of New York to sustain the great principle for which Maine was contending, and not censure her, as if rashly wishing to disturb the peace of the country.

Mr. W. then compared the situation of Maine now with that of fifty years ago; having then no place in the Union as an independent state, but one member of Congress, as a district of Massachusetts, and a population of only 90,000. Now she has eight members in the lower house of Congress, a population of half a million, is next to New York in coasting tonnage, and the third in aggregate tonnage.

He then adverted to some resemblances in the early history of New York and Maine. The same year, he observed, just two hundred and thirty years ago the present year, which beheld the adventurous Hudson sailing up this beautiful bay, in the little bark the Half Moon, under the Dutch flag, likewise witnessed the first attempt to colonize Maine, by a spirited company, who formed a settlement on the Kennebec river. Both attempts then failed, but were afterward renewed, with what success we all may see. When he considered what two hundred and thirty years had produced, and especially the very rapid progress of the last fifty years, his mind could set no limit to the future greatness of this country. The prophetic visions of the most sanguine would fail of the reality. Much, however, depended upon the preservation of the Union and the liberal institutions of our land; and in this connexion he would propose as a sentiment—

The next Fifty Years' Jubilee of the New York Historical Society—May it find our national banner continuing to float over an undivided republic, and our motto still be, "One country, one constitution, one destiny."

By George Gibbs, Esq. :

The State of Rhode Island—One of the last to adopt the constitution, she will be the last to desert its principles.

John Howland, Esq., President of the R. I. Historical Society, responded in the following terms :

The citizens of our several states are united by stronger bonds than those engrossed on parchment. The place of present residence, in many instances, may not describe the home of the individual ; yet, in a larger view, we cannot be said to be separate from our friends and connexions while we are within the limits of the union.

The first instance in history in which Rhode Island and New York became connected, took place in 1665, when Thomas Willett was appointed mayor of this city. He afterward returned to Rhode Island, where his monument now exists.

To thousands of other ties of union, the Antiquarian and Historical Societies will necessarily add, in promoting the common object in which they are engaged, and which this day's celebration points to as the brightest page in American history.

In connecting the past with the present, I offer this sentiment :

The Memory of Thomas Willett, the first Mayor of New York.

By Rev. Dr. Wainwright :

History, which records, inspires also to noble deeds.

Mr. Grenville Mellen, being called upon, recited the following ode, composed for the occasion.

THE TRUE GLORY OF AMERICA.

BY GRENVILLE MELLEN.

The light that time pours round a land
A sacred light may be,
But leads not to a great command
Like that which crowns the Free !
And holy that unfaded light,
Which lingers with the dead ;
But then the beams, how passing bright
That fire the path we tread !
Then tell me not of years of old,
Of ancient heart and clime ;
Ours is the land and age of gold,
And ours the hallowed time !
The jewelled crown and sceptre
Of Greece have passed away,
And none of all who wept her
Could bid her splendour stay.
The world has shaken with the tread
Of iron-sandaled crime—
And fast, o'ershadowing all the dead,
The conqueror stalked sublime .
Then ask I not for crown and plume
To nod above my land :
The victor's footsteps point to doom—
Graves open round his hand !
The memory of the monarch Man
We gather now to sing,
Who, when Columbia's years began
Their light on time to fling,
To Freedom's altar-place came up
Before his land to bow,
And lift to God her golden cup,
With sacrifice and vow—
Is not that meener memory
Which lingers with a crown !
Tis the light that links man with the sky ;
The light he lays not down !
Rome ! with thy pillared palaces
And sculptured heroes, all
Snatched in their warm triumphal days
To Art's high festival—
Rome ! with thy giant sons of power,
Whose pathway was on thrones,
Who built their kingdoms of an hour
On yet unburied bones—

I would not have my land like thee,
So lofty—yet so cold !
Be her's a lowlier majesty,
In yet a nobler mould.
Thy marbles—works of wonder !
In thy victorious days,
Whose white lips seemed to sunder
Before the astonished gaze !
When statue glared on statue there,
The living on the dead,
And were as silent pilgrims were
Before some sainted head—
O, not for faultless marbles yet
Would I the light forego,
That beams when other lights have set,
And art herself lies low !
I ask not for the chisel's boast—
A Pantheon's cloud of glory
Bathing in Heaven's noon-side the host
Of those who swell her story !
Though these proud works of magic hand,
Fame's rolling trump shall fill,
The best of all those peerless bands
Is pulseless marble still.
And though no classic madness here
With quick transforming eye,
Bids beauty from the block appear
Till love stand doubting by—
I care not—for a brighter wreath .
Than round the Parian brows
Of those whose sculpture seemed to breathe,
Shall wait our holier vows.
And ours a holier hope shall be
Than consecrated bust,
Some loftier mean of memory
To snatch us from the dust.
And ours a sterner art than this
Shall fix our image here—
The spirit's mould of loveliness
A nobler Betvidere !
His spirit that in thunder spake
In beautiful command
To list'ning worlds, like sun shall break
Undimmed on every land !

Until the beam of sun and star
 Shall die on mount and cloud,
 And virtue's pillars sink afar
 'Mid the olden wrecks, and proud!
 The spirit that this ocean about
 Haile with its holy morn,
 Yet sweeps our lumin'd path about—
 We bow to WASHINGTON!
 Then let them bide with bloomless flowers
 The busts and urns of old;
 A fairer heritage be ours—
 A sacrifice less cold!

By Hickson W. Field, Esq.:

Washington—Who never accepted office but for the welfare of his country, and never appointed an officer but from a belief in his worth.

By Joseph Blunt, Esq.:

The two Adamses—The former the champion of national independence; the latter of civil and intellectual freedom.

By John Jay, Esq.:

The Philanthropists of the Age—Who, true to the spirit of their fathers, inculcate, not as an abstract truism, but as a rule of duty, the principles of universal liberty; and who, while they battle for the rights of others, will manfully maintain their own.

By William L. Stone, Esq.:

The great principle engraven by the Regicides upon the rock that sheltered them at New Haven—"OPPOSITION TO TYRANTS IS Obedience TO GOD."

By George B. Rapelye, Esq.:

The Memory of John Lawrence—The representative of this city in the first Congress under the present Constitution.

By Jotham Smith, Esq.:

John Jay—In the history of no nation, ancient or modern, can we find a more perfect model of a patriot, a statesman, and a man.

By Dr. John W. Francis:

The Stars of our Confederacy—Time has only added to their number and their brilliancy.

By Samuel Ward, Jr. Esq.:

The State of New York—Ever faithful to the Union.

By David Colden, Esq.:

The memory of Philip Schuyler, the soldier and the patriot.

By Dr. Henry M. Francis:

The Constitution of the United States, in the full tide of successful experiment.

The following ode was composed after listening to the Oration, and produced at the table, by William Cutter, Esq.

ODE.—BY WILLIAM CUTTER.

"The ark of our covenant is the Declaration of Independence—our Mount Ebal, the Articles of Confederation—our Gerizim, the Constitution."—MR. ADAMS.

Priests of this holy land,
 Bear on the hallowed ark—
 Most symbol of the God at hand,
 Our guide through deserts dark.
 There, by God's finger graven,
 Is our eternal creed,
 Drawn from the liturgy of heaven
 In Freedom's hour of need.
 Escaped from that dread curse,
 That lowered o'er Ebal's brow,
 Threatening with stern and dark reverse
 The shrine at which we bow—

Oh! shun with pious awe
 Corruption's least approach,
 Nor on that sacred fount of law,
 Let aught profane encroach.
 Round Gerizim's fair hill,
 Where first our Union rose,
 In peace and glory clustered still,
 Our growing tribes repose.
 There may our children rest,
 Till Time himself shall die;
 Still with that heavenly presence blest—
 Our Ark of Liberty.

In the course of the evening a fine transparency, representing old Federal Hall, formerly standing on the corner of Wall and Nassau streets, the scene of Washington's inauguration, was disclosed by the withdrawal of a curtain at the upper end of the hall, and produced a brilliant effect. The figures of Washington and Chancellor Livingston, were seen in the balcony, the one laying his hand upon the book, while the other administered the oath of office, in the presence of a vast concourse of people. The painting was extremely well executed, and taking the company by surprise, drew forth long and loud applause. The hall was also decorated with copies of Stuart's portraits of the first five Presidents of the United States—copies painted by Stuart himself. The festivities were continued to a late hour, and brought to a brilliant close the commemoration of a day long to be remembered in the annals of our country's happiness and prosperity.

BP AAE PJI
The Jubilee of the Constitution
Stanford Law Library



3 6105 043 780 399

